Acta Sanctae Sedis

Acts of the Holy See

Holy See; Vatican

An English translation of the Latin edition
Rome: Typis Polyglottis Vaticanis, Vol. 31 (1898–1899)

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 1*]

A COMPENDIUM, CONVENIENTLY ARRANGED AND ILLUSTRATED, PREPARED WITH DILIGENCE AND CARE BY VICTOR PIAZZESI, DOCTOR OF BOTH LAWS, BEING: Acts, legal and more solemn, emanating directly from the Supreme Roman Pontiff; acts among those which can be made public under the law, whether they are Decrees, or Instructions, or Responses, or other similar matters; especially, expositions and resolutions of cases from the Sacred Congregations, by various Cardinals, contributing to the accurate understanding and observance of ecclesiastical law, carefully compiled in a compendium; and finally, other legal matters, by which those things which may present difficulty in the aforementioned acts are suitably illustrated, or which further contribute to the knowledge of the current law: for the benefit of those who diligently seek to understand the laws of the Church, and who labor diligently in the governance of the Christian flock, or in cultivating the Lord's vineyard. Volume XXXI. ROME, FROM THE PRINTING PRESS OF THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 1898-99. Reprinted with the permission of Libreria Editrice Vaticana. JOHNSON REPRINT CORPORATION, 111 Fifth Avenue, New York, N.Y. 10003. JOHNSON REPRINT COMPANY LTD., Berkeley Square House, London, W 1 X 6 B A.

[*Latin ed. p. 3*]

By a MOTU PROPRIO of the Most Holy Pope Leo XIII, whereby Vacabilia are abolished. The constant concern that moves Us to strive, especially in the present circumstances, that Our decrees and concessions suffer no delay, to the detriment, especially, of the spiritual well-being of souls, has drawn Our attention to the current state of the offices of the Vacabilia; whose institution, although perhaps useful in other times, certainly is not so in these present times. Therefore, having heard the opinion of the Cardinal Commission that We entrusted with the reorganization of Our Dataria, We have come to the decision to order, and indeed We order, the suppression of all Vacabilia of any nature, redeeming them, if necessary, and substituting for the holders of the same Our Dataria. Furthermore, We confirm in all its parts, and We revive in its full force, what was decreed by Our Predecessor, Pope Pius VII, of blessed memory, in the audience granted to Cardinal Alexander Mattei, Pro-Datary, on October 1, 1814; and We will that henceforth no further indulgences of resignation, transfers, or survivorship be granted to those holding Vacabilia.

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[*Latin ed. p. 4*]

BY OUR OWN MOTION, concerning chaplaincies or offices, declaring that any exception that may be presented to the contrary is invalid and of no effect, and that whatever is decreed in this Our Motu Proprio must always be considered stable and firm in its form and substance. Given in Rome, from the Apostolic Palace at the Vatican, this day, 4th of July, 1898, in the twenty-first year of Our Pontificate.

LEO XIII, POPE. LEO P. P. XIII.

BY THE OWN MOTION of the Most Holy Lord Pope Leo XIII, by which the Church of Saint Joachim in Rome is entrusted to be administered by the Members of the Most Holy Redeemer. Since it had pleased some, that the Church in the City, dedicated to Saint Joachim, the heavenly patron, should be brought to our attention, so that it might commemorate the fiftieth anniversary of Our priesthood, and also the tenth anniversary of Our episcopate, for the benefit of posterity, and since We had indeed approved this plan, which seemed a beautiful thing to consecrate the memory of Our benefits with a lasting monument. To this plan, the Catholic people promptly and eagerly gave their consent, so that a large sum of money and all that was necessary for the work might be contributed without delay. We received this testimony of love and obedience with all the greater willingness, because We knew that the work was to be undertaken in a region of the city where the crowds are numerous, but where there are few means to aid the salvation of souls. Therefore, We set Our hand to the construction; and We promoted the work with such zeal, that We hoped it would be completed soon. But, as is known to all, things turned out quite differently, and the management of the entire affair was improperly and very badly conducted. Therefore, so that the will of the Catholics might not be frustrated, We are undertaking to...

[*Latin ed. p. 5*]

BY A SPECIFIC ACT, we requested of the Most Reverend Brother Joseph

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Mary Constantine, Archbishop of Patrae, to temporarily administer the province of the work, and we appointed the priest Hippolytus Onesti to oversee the temple; and we ourselves granted the absolution of the work, and all that which pressed upon it. Because now it pleases us to establish the matter with a firm and stable foundation, we direct our deliberations to the Members of the Most Holy Redeemer. We know that they have received the proposals made to them by Father Alphonse, the lawgiver; so that they may have this as a solemn and proper matter, and dedicate all their efforts to cultivating the Christian people with morals and piety. Therefore, we designate these Members for the administration and governance of the aforementioned Joachimian House, so that they may, as is customary, perform all the duties of piety and religion therein. But we decree and declare that the Joachimian House itself, and all the works adjacent to it, are of our own proper and perpetual right, and of our successors in the pontificate. Moreover, since the sodality established in the Joachimian temple, as in a principal seat, is to be devoted to the perpetual adoration of the Blessed Sacrament, in order especially to make amends for the injuries offered to the Divine Majesty, we confirm this by these letters, as we have previously demonstrated. Therefore, we wish that what was already decreed by letters in the form of a Brief, dated March 6, 1883, concerning the sacred indulgences granted to all those who have joined the aforementioned sodality, be now ratified. Furthermore, whatever powers were granted to Anthony Brugidou, priest of the Lugdunensis diocese, for the benefit of the same sodality, by Apostolic Letters dated March 6, 1883, and then on September 27, 1890, and then on September 22, 1893, we entirely abolish and transfer to the Alphonsian Institute. It will be the duty of one of the religious men of that Institute, chosen by our authority, to whom we entrust the care of the entire matter, to act according to the laws, as we have already long since professed in the aforementioned letters. These things we establish and command, in defiance of anything to the contrary. Given at Rome, at St. Peter's, on this 20th day of July, in the nineteenth year of our pontificate. LEO XIII, POPE.

[*Latin ed. p. 6*]

6. ENCYCLICAL LETTER from Our Most Holy Lord Pope Leo XIII to the Bishops of Scotland. The solicitude We have for the salvation of our separated brethren, which never ceases to move Us, prevents Us from remaining inactive, if We can bring back to the fold of the one Christ those who are held away by various errors. We daily feel with greater intensity the wretched plight of so many people who are lacking the integrity of the Christian faith. Therefore, moved both by the most sacred sense of duty and by the most heartfelt compassion for men, whose role We humbly assume, We strive with all our might to persuade them to return to Us, so that they may one day desire to restore with Us the unity of the faith. This

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is a great work, and by far the most difficult of human endeavors; a work which can only be accomplished by Him who can do all things, by God. But for this very reason We do not lose heart, nor are We deterred from Our purpose by the magnitude of the difficulties, which human strength alone cannot overcome. We proclaim Christ crucified... and that which is weak with God, is strong with men (1). In this great error of opinion, in so many evils which either oppress or threaten, We endeavor to point out, as it were with a finger, from whence salvation is to be sought, exhorting and warning the entire race of men to lift up their eyes to the mountains, from whence comes help. For what Isaiah foretold has been confirmed by events: namely, that the Church of God, by its divine origin and divine dignity, shines so brightly that it is plainly visible to the eyes of those who behold it: "And in the last days the mountain of the house of the Lord shall be prepared on the top of mountains, and it shall be exalted above the hills, and all nations shall flow unto it" (2). Scotland holds a place in Our cares and deliberations, a land which this Apostolic See has long and greatly loved, and which We ourselves hold in a special affection. It is fitting to recall that twenty years ago, We devoted the first fruits of Our Apostolic ministry to the Scots, when, from the very beginning of Our Pontificate, We concerned Ourselves with restoring the ecclesiastical hierarchy among them. At that time, We always diligently studied the good of this people, Venerable Brothers, and with your willing clergy (1) 1 Corinthians 1:25. (2) Isaiah 2:2.

[*Latin ed. p. 7*]

ENCYCLICAL LETTER: Whatsoever pertains to its nature renders it suitable for the reception of truth. Now, since we are at an age when human death is drawing ever nearer, it has also seemed fitting to impart a new lesson of Apostolic providence to you, Venerable Brothers, and to your people. That most turbulent storm, which afflicted the Church in the sixteenth century, and which, like so many others throughout Europe, greatly estranged the Scots from the Catholic faith, which they had gloriously maintained for more than a thousand years. It is pleasing to us to recall the not inconsiderable merits of your ancestors for the Catholic cause; and it is fitting to remember those, and not a few, whose virtue and deeds have glorified the name of Scotland. But today, do your citizens not fail to remember what they owe to the Catholic Church, and to the Apostolic See? We remind you plainly and thoroughly. In your ancient annals, it is recorded that Ninian, a Scot, having himself eagerly taken up the study of the sacred scriptures and, inspired by the Spirit, said: "I shall rise, I shall go around the sea and the desert, I shall seek the truth which my soul loves." Is so much effort required? Was it not said to Peter: "You are Peter, and upon this rock I will build my Church, and the gates of hell shall not prevail against it?" Therefore, in the faith of Peter, there must be nothing less than the

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fullness of truth, nothing obscure, nothing imperfect, nothing that perverse doctrines and sentiments, like the gates of hell, can overcome. And where is the faith of Peter, if not in the See of Peter? There certainly, there I must go, that going forth from my land and from my knowledge and from the house of my father, I may find in the land of vision the will of the Lord, and be protected in his temple" (1). Therefore, hasten to Rome; and having received abundantly from the very source and head of Catholic truth, and having returned home at the command and mandate of the Pope, you imbued your fellow citizens with the Roman faith, and founded the Church in Galway, two centuries ago, as blessed Augustine brought to the English. This faith, Saint Columba, and these very ancient monks, whose venerable seat is so renowned for its virtues, themselves preserved with the utmost devotion, and diligently taught it to others. Let us also remember Queen Margaret (1), Excerpts from the history of the life of Saint Ninian, Bishop of Candida Casa or Galway in Scotland, written by Saint Aelred, Abbot of Rievaulx.

[*Latin ed. p. 8*]

8. This Encyclical Letter concerns not only Scotland, but the entire Christian world, a beacon and ornament, which, placed at the pinnacle of earthly affairs, having contemplated nothing but the immortal and divine in all of life, has filled the world with the splendor of its virtues. Indeed, if it has attained such excellence in sanctity, it is through the inspiration and impulse of the Catholic faith. Is it not true that Wallace and Bruce, the lights of your nation, were made the most valiant defenders of their homeland by the constancy of the Catholic faith? We send forth countless others, most useful citizens of the republic, whom the Church, their loving mother, has never abandoned. We send forth aid, the rest of which is publicly imported to you; certainly, through its most celebrated providence and authority, the best studies have flourished in the colleges of St. Andrew, Glasgow, and Aberdeen, and it is the foundation of the civil courts. Therefore, we understand that the reason for the most honorable and special attachment of the Holy See to the Scottish people is sufficient. But a great change has occurred since that time, and the ancestral faith has been extinguished among many. Shall we not, therefore, strive to rekindle it? Indeed, certain signs appear to indicate that, with God's help, good things are beginning for the Scots. We see that Catholics are treated more leniently and kindly each day; the wisdom of the Catholic dogma is no longer, as perhaps before, generally subjected to contempt, but is received with favor by many, and with obedience by a few; and the perversions of opinion, which impede the judgment of truth as much as possible, are gradually disappearing. And may the investigation of truth flourish more widely; and let us not doubt that a greater knowledge of the Catholic religion, indeed, of its own spirit and its own sources, not sought from foreign lands, will completely

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remove such prejudices from the minds of men. To all the Scots, indeed, a not insignificant praise is due, that they have always diligently cultivated and revered the divine Scriptures. Let them, therefore, not refuse to hear, on this occasion, what we lovingly address to them for their own salvation. For, as we have said, true reverence for the sacred Scriptures implies a certain agreement with the Catholic Church; and who knows when the beginning of the restoration of unity may arise? Let them not refuse to remember that the books of both Testaments were received by them from the Catholic Church, and not from elsewhere; and that the preservation of these Scriptures, to which we owe the greatest debt for so long a time, is due to the constant vigilance and care of that Church. — History testifies to this from ancient times.

[*Latin ed. p. 9*]

ENCYCLICAL LETTER 9 Concerning the Integrity of the Scriptures: The Synod of Carthage and Pope Innocent I have immortalized themselves. More recently, we remember the diligent efforts of Pope Eugene IV and the Council of Trent in the same regard. We ourselves, not unaware of the times, have recently issued encyclical letters to the bishops of the entire Catholic world, and have earnestly warned them of what is necessary to be done, so that the integrity and divine authority of the sacred Scriptures may be preserved. For, in this present course of intellectual progress, there are many who, driven by a more insatiable curiosity than by a desire for truth, and by a contempt for antiquity, act in such a way that they do not hesitate to either elevate or, indeed, diminish the faith, according to the sacred text. Indeed, men filled with the opinion of their own science and judgment, never understand that it is full of impious temerity to measure, in a purely human way, the works of God; and they hear all the less Augustine loudly proclaiming: "Honor the Scripture of God, honor the word of God, even if it seems obscure, with piety and understanding" (1). "Let the students of venerable literature be admonished to understand" (2). "Let nothing be asserted rashly and ignorantly as if it were known. Nothing should be affirmed rashly, or everything should be treated with caution and modesty" (3). But in order that the Church may perpetually remain, it must not only be instructed in the Scriptures, but also in some other safeguard. It was certainly the will of the divine Author that the treasure of heavenly doctrine should not be dissipated or fail within the Church, should He have permitted it to the arbitrary will of each individual. Therefore, it is clear that from the beginning the Church needed some living and perennial magisterium, to which, demanded by the authority of Christ, would be entrusted the salutary doctrine of other matters, and also a certain interpretation of the Scriptures; and which, fortified by the constant help of Christ Himself, could not in any way be led into error in teaching. For this, God most wisely and abundantly

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provided, and that through His only-begotten Son, Jesus Christ: who, indeed, placed the true interpretation of the Scriptures in a safe place, and first and foremost commanded the Apostles not to tamper with the Scriptures, nor to mutilate the volumes of the older Scriptures, without discrimination, without law (1) In Ps. 146, n. 12. (2) Doctr. Chr. lib. III, c. 37, n. 56. (3) In Gen. Op. Imp.

[*Latin ed. p. 10*]

10. ENCYCLICAL LETTER: But above all, let them teach, with living voice, all things, and let them lead to the knowledge and profession of the heavenly doctrine, by speaking; "And he said to them: Go ye into the whole world and preach the gospel to every creature." (1). — However, the authority to teach was conferred upon one, although it was necessary for the foundation of the entire Church to be taught, for Christ, when He gave the keys of the kingdom of heaven to Peter, also gave him others to govern, who would serve in the ministry of the word: "But I have prayed for thee, that thy faith fail not: and thou, being once converted, confirm thy brethren." (2). Therefore, since the faithful must learn from this teaching whatever pertains to salvation, it is necessary to seek the understanding of the divine books. It is easily apparent how uncertain, incomplete, and inept is the method of those who believe that the meaning of the Scriptures can be investigated solely through the Scriptures themselves. Indeed, the matter of interpreting is ultimately decided by the judgment of each individual. Truly, as we have touched upon above, the divine sentiment is interpreted more eloquently by those who, compared to others, have approached reading with more understanding, intelligence, study, and morals. Hence, discrepancies in interpretation arise, leading to differences in feeling and opinions, which is a detriment to the good of unity and concord. Indeed, what we say is self-evident. For all who are experts in the Catholic faith, and those who disagree among themselves, consider it their duty to defend the sacred writings in support of their own beliefs and institutions. Therefore, there is no gift so sacred from God that a man cannot abuse it to his own detriment, since even the divine Scriptures themselves, as the blessed Peter warned with great emphasis, are perverted by the unlearned and unstable to their own destruction (3). For these reasons, Irenaeus, a faithful interpreter of the faith who lived in the time of the Apostles, never ceased to urge that knowledge of the truth should be obtained not from any other source than from the living institution of the Church: "For where the Church is, there is the Spirit of God, and where the Spirit of God is, there is the Church and all grace; the Spirit is truth" (4). Wherefore, since the gifts of the Lord are placed, there one must learn the truth among those who possess it.

(1) Mark 16:15.

(2) Luke 22:32.

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(3) II Peter 3:10.

(4) *Adversus Haereses*, Book III.

[*Latin ed. p. 11*]

ENCYCLICAL LETTER concerning "the succession of the Church" (1). — It is most certain that Catholics, although not so closely united in civil matters, are nevertheless wonderfully held together by the bond of faith, and that they are held by the virtue and power of this very teaching. Many Scots, although dissenting from us in matters of faith, love the name of Christ with sincere affection, and strive to follow and imitate His example, as well as His discipline. But how can they ever attain, in mind and in spirit, what they strive for, unless they are instructed and guided to the heavenly things by that very way and means which Christ Himself established? Unless they listen to the Church, to which the Author of faith Himself commanded that men should give obedience – as He Himself said: "He who hears you, hears Me; he who rejects you, rejects Me"? Unless they seek the nourishment of piety and all virtues from that source to which the Supreme Pastor, by His vicar, has entrusted the care of all souls? Meanwhile, We are certain that nothing is lacking among Our brethren; and above all, they earnestly pray to God, that He may deign to add the best incentives of His grace to their good intentions. And may the divine goodness grant this most desired consolation to the Mother Church, so that she may quickly be able to embrace all the Scots, restoring them to the ancient faith in spirit and in truth. What should they not hope for, now reconciled with us in concord? Immediately, the perfect and absolute truth would shine forth from every quarter, along with the greatest of blessings, which are hindered by this division. Among these blessings, there is one that excels all others, and which it is most grievous to lack: We speak of the most holy Sacrifice, in which Jesus Christ, both priest and victim, offers Himself daily to His Father, through the ministry of His priests on earth. By the power of this Sacrifice, the infinite merits of Christ are applied to us, namely, those merits acquired by His divine blood, which He shed once upon the cross for the salvation of mankind. This faith in the Sacrifice flourished completely among the Scots, when Saint Columba lived among them; and also later, when the most magnificent temples were built, which testify to the excellence of your ancestors in both art and piety. — Indeed, the very nature and essence of religion contain the necessity of the Sacrifice. For in it is the highest form of acknowledging and reverencing God as the supreme Lord of all things, in whose power we and all things are. And truly, there is no other reason and cause for the Sacrifice, which is offered for the sake of divine things.

[*Latin ed. p. 12*]

12. ENCYCLICAL LETTER: Far removed from sacrifices, nothing can be

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pleasing, nor can religion be conceived. The Law of the Old Testament is not inferior to the Gospel: rather, it is far superior, because it perfectly fulfilled what it had begun. Indeed, the Sacrifice offered on the Cross foreshadowed the sacrifices used in the Old Testament, long before Christ was born; and after His ascension into Heaven, that same Sacrifice is continued in the Eucharistic Sacrifice. Therefore, they are greatly mistaken who despise this, as if it diminished the truth and power of the Sacrifice which Christ, crucified, offered once for all, to exhaust the sins of many (1). That expiation was altogether perfect and complete for the sins of the mortal; and no other is needed, but rather, it is that very same expiation that is contained in the Eucharistic Sacrifice. For, since it was fitting that a sacrificial rite should always accompany religion, it was most fitting that the Redeemer's plan should be that the Sacrifice, once completed on the Cross, should be made perpetual and everlasting. The reason for this perpetuity lies in the most holy Eucharist, which does not offer a mere empty representation or remembrance of the thing, but the very truth itself, although in a different appearance; and therefore, the efficacy of this Sacrifice, whether for obtaining grace or for expiation, flows entirely from the death of Christ: "For from the rising of the sun to the setting of the sun, My name is great among the nations; and in every place sacrifice is offered and a clean oblation is given in My name, for My name is great among the nations" (2). Now, what remains is for those who profess the Catholic name to hear our prayer: and for this reason, so that their works may contribute something to our purpose. Christian charity commands that they strive, as much as possible, for the salvation of their neighbors. Therefore, we first of all ask them not to cease to pray and beseech God, that He may pour forth light upon those who are in darkness, and may move their wills in the way that He wills. Then, because they can greatly influence the minds of others, let them prove themselves worthy of the truth, of whose divine ministry they are sharers; and let them add to the recommendation of the faith they profess, the blessed example of a life well-lived: "Let your light shine before men, that they may see your good works, and glorify your Father who is in heaven" (3); and let them, through the practice of civil virtues, accomplish that which is done daily (1) Hebrews IX, 28. (2) Malachi I, 11. (3) Matthew V, 16.

[*Latin ed. p. 13*]

It appears more clearly that the Catholic religion cannot be declared an enemy of the state, except through calumny, but rather that in no other matter is there found more that contributes to the dignity, advantage, and security of the public good. It is also most important to defend, indeed to establish more firmly, and to hold with all safeguards, the Catholic institution for young people. It is not hidden from us that we desire to provide our eager youth with public schools, properly instructed, in which they

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may certainly find the best method of study. But it is necessary to ensure and to effect that the Catholic schools in no way yield to others, for it cannot be permitted that our young people be less prepared with the knowledge of letters, with the elegance of instruction, which the Christian faith most justly demands as companions for their protection and adornment. Therefore, the love of religion and the charity of the homeland demand that those Catholics who are suitably equipped, whether in the teaching of the fundamentals of letters or in more serious disciplines, take care to maintain and increase these things according to their abilities. It is fitting, however, to especially support the education and culture of the clergy, who cannot otherwise maintain their rightful place and be useful, except if they flourish in all aspects of humanity and learning. In this matter of beneficence, we Catholics propose with the greatest eagerness to assist the College of Blairs. This is a most salutary work, begun with great zeal and generosity by a most pious citizen, so that it may not suffer interruption or decline, but rather may be increased with even greater generosity, and rapidly brought to its full development. For it is of such importance that it is necessary to provide that the priesthood in Scotland may be properly and suitably educated for the times. All these things, Venerable Brothers, which the most ardent affection for the Scots has expressed to us, you should consider as commended to your prudence and charity. Continue, as you have so clearly demonstrated to us, to strive, so that these things may be accomplished which seem to contribute greatly to our purpose. The cause is difficult, as we have often said, and requires greater effort than human powers can provide; but it is a long and most holy cause, and one that is perfectly suited to the counsel of divine goodness. Therefore, the difficulty of the matter does not trouble us, but rather the thought that, as you strive to carry out our instructions, the merciful help of God will never fail. We invoke the blessings of heaven, and the paternal...

[*Latin ed. p. 14*]

14. ENCYCLICAL LETTER: We impart to you all, Venerable Brothers, to your clergy and people, the Apostolic Blessing, earnestly in the Lord. Given in Rome, at St. Peter's, on the 25th of July, 1898, in the twenty-first year of Our Pontificate. LEO P. P. XIII.

FROM THE HOLY CONGREGATION OF THE COUNCIL.

DISPENSATION OF MARRIAGE.

January 29, 1898. Session 24, chapter 4, concerning the reform of marriage.

Anna-Maria, having reached the age of 22 years, was, on June 29, 1891, to be married to Peter-Joseph, aged 22, from the Diocese of Trent, with the

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observance of the solemnities of Trent.

The marriage was celebrated, and the spouses began their conjugal life on that very day; nevertheless, the marriage was not consummated, because Maria, either because she was ignorant of the duties of marriage, or because, due to a condition they call hysteria, she was unable to fulfill them, always refused the conjugal debt to her husband; and she abandoned him, whom she had already left three or four times, and would not return after six months.

The husband, having vainly attempted to bring her back, requested a civil divorce (as they call it) and obtained it, and afterwards petitioned the Holy See, that it might deign to grant a dispensation concerning his valid but unconsummated marriage with Maria-Anna.

SUMMARY OF THE FACTS.

SYNOPTIC ACCOUNT.

Whatever the state of the marriage, whether merely valid, or even consummated, still, by divine law...

THEOLOGICAL OPINION.

[*Latin ed. p. 15*]

NANNETEN. 15. It stands, and obtains its firmness, even if the spouses have not yet engaged in acts proper to marriage; hence, it is rightly distinguished from a legitimate, or ratified marriage, not as if it were marriage separated from marriage, but as a further or more advanced stage of a legitimate, or ratified marriage.

From this, it clearly follows that spouses can, even after having given each other their mutual consent and having made over the power of their bodies to each other, abstain from intercourse, the bond of marriage remaining firm nonetheless, as Augustine teaches among others in Book 1 of *De Nuptiis et Concupiscentia*, chapter 11: ”But those who, by mutual consent, choose to abstain forever from the use of carnal desire, let it not be said that the bond of marriage is broken between them; rather, it will be the firmer, the more they enter into agreements with each other, which are to be observed more dearly, more harmoniously, not by the bonds of the bodies, but by the voluntary affections of the soul.” Berardi, *In ius eccl. univ.*, commentary, volume 2, page 16. Edit. Mediol. 1847.

This doctrine is fully in agreement with what is discussed by Isidore of Seville in Book 9 of *Originum*, namely: ”There are three reasons why spouses are said to be united. The first reason is for the sake of offspring, of

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which it is written in Genesis: 'Be fruitful and multiply.' The second reason is for mutual help, of which it is said in Genesis: 'It is not good for man to be alone, I will make him a helper fit for him.' The third reason is for the sake of continence, as the Apostle says: 'He who does not control his own body is married.' Finally, this reason seems to have arisen only when human weakness began to increase in the state of fallen nature, to which the Apostle certainly referred."

"From these three reasons, it is clearly evident that not only true marriage is said to exist, which has not yet been consummated, but also that in which the spouses, with a concordant will, agree to preserve the good of continence."

In the case under consideration, it does not seem possible to deny that the woman, Anne Mary Magdalene, gave true consent, and that the illness from which she suffers was not of such a nature at that time as to invalidate the marriage contract. Indeed, from the Acts, it is abundantly clear that Anne Mary Magdalene always denied her husband, Peter Joseph, ...

[*Latin ed. p. 16*]

16. She refuses to fulfill her conjugal duties because of her condition, both physically and morally; but it does not appear that these conditions are of such a nature as to be equated with the habitual madness or fury of a person, so that it can be deduced from the law of nature that no marriage exists because of the lack of capacity to give consent. To all the questions put to her, she always answers that the illness she suffers is the cause of her refusal to fulfill her conjugal duty. - Therefore, from the first point, it does not seem that the marriage between Petrus Iosephus and Anna Maria Magdalena can be considered invalid. And in truth, neither she, nor Petrus, nor the witnesses, nor the Defender of the Bond, have spoken of this. It remains, therefore, to determine what should be thought about the second point, namely, the absolute and constant refusal of the woman Anna Maria Magdalena to fulfill her conjugal duty; and whether Petrus's request should be granted, who urgently demands the dissolution of his marriage for this reason, stating that it is only a marriage *ratum* and not *consummatum*. - By its intrinsic reason and essence, marriage, according to the very law of nature, is the obligation and the giving of bodies for the use and the conjugal union. Therefore, if one of the spouses never wishes to fulfill the conjugal duty, and even declares that she will never fulfill it, whatever the cause may be, does it not become evident that, in this case, the tradition of the body and the obligation for use and conjugal union are lacking? Concisely and clearly, in his own manner, the Most Reverend Cardinal D'Annibale, speaking of the consent necessary for contracting marriage, states: "On the same matter; namely, on the right of coming together, by which, by mutual giving, marriage is contracted: therefore, if this mutual giving is lacking, at least implicitly, it is truly impossible to understand mar-

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riage." And in Note 4, he adds: "Some, and especially those of today, think otherwise. They say that one thing is dominion, and another is the use of one's own body; marriage cannot be contracted while retaining dominion over one's own body."

[*Latin ed. p. 17*]

NANNETEN. 17. Whether the use [of marital rights] can be retained. – R. I absolutely deny this; because, through marriage, one does not acquire the body of the other, which would be to acquire ownership, but rather the right to use it. And even if ownership were acquired, the condition would be contrary to nature, as stated in verse 11, 112, because ownership, being the right to use one's own thing, cannot be separated from perpetual use, as stated in Law 62, De icsufr., and Law 8, De usu legat. And it cannot be relinquished by renunciation; otherwise, he who extorted a debt from an unwilling person would be a fornicator. – *Summula Theol. mor.* vol. III, page 348, edition III. And since in this case there are not those things, as noted above by Berard, namely, the consent of both spouses to abstain from conjugal duties; therefore, the marital bond remains firm. It remains, therefore, to review those things that were presented to prove that the marriage was not consummated, so that there may be a dispensation from the Holy See regarding a marriage that is valid but not consummated. – If, in matrimonial causes, one must adhere strictly to the letter, and there is no doubt that the most wise prescriptions are those of Benedict XIV, in the Constitution *Dei miseratione*, and those of the Sacred Congregation of the Council, in its Instruction published on August 22, 1840; considering and examining the acts of this case, several things immediately come to mind, which are not of slight importance, and which may induce some doubt regarding the clear rendering of judgment, whatever it may be. However, since in the laws, the spirit must be kept in view, rather than the letter, so that one may discern the intention of the legislator, and the purpose intended in enacting the law, many difficulties often vanish, just as a cloud vanishes in the presence of the sun. – The Defender of the Bond opposes what Benedict XIV established on this matter, and especially the Instruction published by the Sacred Congregation of the Council, regarding the examination of the body, both of the man and of the woman, and to which examination Mary Anna Magdalena firmly refused to submit herself. Nevertheless, the examination of the woman must not be understood in such a way that, if it is lacking, for any reason, there is no other way to prove the lack of consummation of the marriage. Indeed, according to the law of Decretals, two things are sufficient to prove the lack of consummation: namely, the oath of the spouses, and witnesses, who testify to the facts.

[*Latin ed. p. 18*]

18. The testimonies of those under oath should be taken. And indeed,

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otherwise, what would there be to judge, when the matter in dispute concerns a widow, who asserts that she has never fulfilled her marital duty with the man from whom she seeks to be separated due to his impotence? In this case, the examination of the woman would, in truth, be of no avail, as is evident and noted by Cardinal De Luca; therefore, the lack of consummation of the marriage in this case cannot be proven, nor should it be, solely and exclusively through the examination of the body of the woman Anne Mary Magdalene. This assertion is wonderfully supported by the practice of the Sacred Congregation. It suffices to bring forward, among others, the Resolution of the Sacred Congregation in the case again discussed on June 13, 1896; and another on May 8, 1897; Acta S. Sedis, vol. XXIX, page 543; vol. XXX, page 135. From which it is gathered that the oath of the spouses, and the testimonies of witnesses who testify under oath, are sufficient to establish the lack of consummation of the marriage. Furthermore, the Defender of the Bond attempts to undermine the reasoning derived from the six weeks spent by Anne Mary Magdalene in the marital home, during which time she persistently refused to fulfill her marital duty, and writes: "However, this argument is not for me, that she completely refused to consent in the future; for she had a reason to refuse, namely, the infirmity of her health." What will happen in the future, only God knows; we do not inquire about this in judicial cases, in which a specific matter is debated, just as in our case. But did Anne Mary Magdalene always refuse, during those six weeks, to fulfill her marital duty? The Defender of the Bond himself confesses this. Is Peter Joseph to wait for that future time, so that he may exercise his right in his own affair? Let us hear DD. Ursaya, Discept. Eccl. tom. 3, part. 2, n. 93, who writes: "For another reason, the impotence of the man is admitted to prevent the wife from being forced to remain in a state of celibacy in life, or from being subjected to the dangers of incontinence." - And, a fortiori, there, it is argued that, even from this, a just cause for dispensation is provided, even if the man, otherwise capable, voluntarily delays the consummation of the marriage. See Mansella.

[*Latin ed. p. 19*]

Regarding the impediment to marriage arising from the wife's refusal. Page 346. This is consistent with the teaching found in Quaestiones CCLXXIX, Volume XII, of the works of Benedict XIV, published by the Aldine press in 1844. There, it is written: "Nor are there lacking Doctors who assert that the voluntary refusal of the spouse to consummate the marriage provides a just cause for obtaining from the Supreme Pontiff a dispensation regarding a marriage that is valid but not consummated; Ancharan, cons. 239, n. 4, which was followed by Cardinal Lancellotti in a certain vote he wrote in the Hispalense cause for the dissolution of marriage, printed among the aforementioned Ursay, Volume 3, Part 2, Disputation 21, numbers 77 and 95 and following."

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Therefore, since Peter Joseph, the petitioner, has requested the marital duty from his wife, and she has always and consistently refused to consent to his legitimate request; whatever the cause she has given for this refusal may be, whether it be due to a morbid aversion, or due to ignorance of this marital duty, it remains that, in the confessional, Peter Joseph is in that condition which, according to the Doctors, allows him to obtain a dispensation from the Pope regarding a marriage that is valid but not consummated.

And against this assertion, nothing is of benefit that the Defender of the Bond objects, whether it be from a different opinion of the Doctors, or from varying testimonies of witnesses.

Gladly, if he wishes, we admit what the Defender argues; however, to what does this objection lead? Does it prejudice the consummation of the marriage in this case? Not at all. The Doctors speak and testify about the possibility or impossibility of future consummation of the marriage on the part of Anne Mary Magdalene; and the witnesses testify about the cause of the refusal of the marital duty, and one witness says of the woman's bad will; and another of her sole illness. I repeat again: this is not what we are inquiring about, but about the consummation or non-consummation of the marriage; neither the Doctors nor the witnesses affirm this. Furthermore: the parish priest of the woman, a man conspicuous for his modesty, gravity, and keen intellect, as the Bishop of Nanneten writes, and who legally questioned Anne Mary Magdalene and received her answers, is confidently of the opinion that Anne Mary Magdalene suffers from a serious illness.

[*Latin ed. p. 20*]

20. NANNETENSE. Quoniam hic laborans semper recusavit officia adimplere quae ad matrimonium pertinent, principia desuper allata de voluntaria dilatione coniugis in matrimonio consummando firmiter manent. - Denique, collusio videtur omnino excludi ab actis huius processu; contra, dissensio animorum et alienatio sunt manifestae. - Interrogatus Petrus, si sponsa consentiret tandem aliquando ad veram vitam coniugalem cum ipso ducendam, satisfaciente matrimonialibus officiis, si ipse paratus esset ad iterum ducendam Mariam Annam Magdalenam suam in domum, respondit: « Non, tout est fini ». - Uxor vero interrogata: « Consentiriez-vous à reprendre la cohabitation? » respondit: « Non ». Cum ergo moraliter impossibilis sit reconciliatio animorum, et commixtio corporum, quale natura exigit, Petrus Iosephus esset cogendus ad perpetuam viduitatem. Atqui hoc admitti non potest, ergo, attenta etiam praxi S. C. C., putarent, sub censura semper, et salvo meliori iudicio etc., adesse causas sufficientes ad consulendum SS. pro dispensatione a matrimonio rato et non consummato in casu.

VOTUM CANONISTAE. Consultor dixit se censere matrimonium inter Petrum et Annam probabiliter fuisse irritum ob naturam aegritudinis, qua laborat mulier; certo autem, quantum sciri potest, non fuisse con-

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summatum; ideo valde optandum esse, ut dispensatio petita concedatur. Nam nulla spes affulget, ut in idipsum revertantur, dispensatione autem utriusque saluti melius consulatur. Postquam documenta illa Romam allata fuerunt, mox ad Rmum Episcopum Nannetensem a S. C. C. datum est solitum rescriptum delegationis apostolicae ad conficiendum processum, tam super nullitate, quam super asserta non consummatione et causis dispensationis ad tramitem Const. Benedicto XIV, Dei miseratione, et Instr. S. C. anni 1840 cum solitis clausulis. Quod rescriptum delegationis summopere videtur excitasse admirationem Rmi Antistitis Nannetensis. Cuius admirationis principalis ratio videtur fuisse illa, quod existi-

[*Latin ed. p. 21*]

NANTES. On March 21st, the documents transmitted have revealed that the judicial process was indeed carried out. For, before ordering the execution of the rescript, a new letter was written to the Eminent Prefect of the Sacred Congregation of the Council, in which, before mentioning other difficulties raised against the rescript, he observes: "On October 19, 1892, the Bishop of Nantes transmitted to the Eminent Very Reverend the process concerning the completion of the letters of March 26, 1892. This prior process contained the legal interrogation of the woman, the testimony of a medical expert, the observations of her parish priest, and the opinion of the Bishop himself." In this matter, the Reverend Vicarius Capitularis of Nantes erred. For the Sacred Congregation of the Council did not, in the prior rescript, grant permission to the delegation to complete the judicial acts in order to prove the non-consummation of the marriage, but, as the very words "votes and information" show, it requested extrajudicial information, which, thanks to the praised text of the Constitution of Benedict XIV, by the mercy of God, should already have been added to the supplicating petition itself. Therefore, the Ordinary of Nantes was entirely without the apostolic delegation to complete those judicial acts, and he did not possess his own and ordinary power. Indeed, the Sacred Congregation of the Council, on June 16, 1894, in response to the inquiry of the Archbishop of Warsaw: "Is it permissible, without a special permission for each case from the Sacred Congregation, to receive the request and institute a process in order to obtain a dispensation from the Most Holy?" replied: "No." Therefore, those acts, as judicial acts, are entirely invalid due to the lack of judicial power, both delegated and ordinary (1). Furthermore, this judicial process, carried out by the parish priest, suffers from other, not insignificant, defects. Firstly, it is surprising that the apostolic delegation, which was (falsely) presumed to exist, is never expressly mentioned in the documents. Moreover, the parish priest instituted the examination of the woman without any clerk or notary; therefore, his tribunal was not properly constituted, as is evident from chapter 11, X, De prob. 11, 19, and chapter 2.

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(1) Recole Vol. XXVIII, 141.

[*Latin ed. p. 22*]

22. Concerning Nanneten. From the Very Sacred Council, Session XI, concerning Clement. Compare Bouix, *De iudicio ecclesiastico*, Vol. I, pages 509 and following. Furthermore, from the acts of the process, there is no certain proof that R. D. Beauchère, who in that examination held the office of defender of the marriage, was duly appointed, or whether he was simply taken on by the parish priest of his own accord. The observations, which are written in the French language and without any legitimate form on a small sheet of paper by the parish priest, contain only weak arguments for information. Indeed, first, he alleges an excuse due to illness, for which reason Anne did not obey the summons of the official of the bishop. Then he adds that, due to various circumstances, he has often considered the question of whether there was a lack of freedom in the bride, or whether there was error or a defect of intention on the part of the groom. But in the canonical process, the questions which the parish priest poses to himself are not assertions and actions supported by legitimate proofs. From the acts, even those transmitted later, nothing is gathered concerning the lack of freedom. This error, if any existed, on the part of the groom, can be said to be at most accidental, not substantial, nor pertaining to the person. Nor can suspicion be raised against the parish priest concerning a defect of intention on the part of the groom, who certainly wished to take this woman as his wife. For it is not asked what the groom would have done if he had known the quality of that woman, but what he actually did. But in fact, the woman, who was well known to him, was joined to him in marriage, and there is no trace in the acts of any proof that she placed her consent as a condition, without which, the absence of this defect, that is, a severe hysteria, would not be present. Those things which the parish priest adds in his observations concerning this marriage not being consummated are reduced to certain testimonies of doctors, which are not referred to accurately and in a certain authentic form, and therefore cannot give full credence in judgment. The only testimony of a doctor, which seems to have been inserted in these initial acts, and which seems to support Anne's impotence, as much as can be gathered by divining from that miserable writing, was given by two other doctors.

[*Latin ed. p. 23*]

NANTES. 23. Postea, hoc non est probatum, et in se ipsum est nimis vago et informe, et ipsi Reverendissimo Episcopo videtur solum argumentum probabile supplere. Quod argumentum probabile ad declarandam nullitatem huius matrimonii ex capite impotentiae est plane insufficiente; enim ad talem sententiam certa requiritur probatio impotentiae. Quare, allegata ista probabilis impotentia, quae, accedentibus aliis auxiliis, matrimonium

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illud viro reddit saltem difficile, onerosum, saepe inutile, poterit esse ratio concedendi dispensationem matrimonii, si aliunde non consummatio certo probetur. Aliae difficultates, quae a Vicario Capitulari Nannetensi proponuntur contra executionem rescripti delegationis S. C. C, ut plurimum nituntur falsis suppositionibus aut solido fundamento carent. Nam S. C. C. Reverendissimum Ordinarium Nannetensem delegavit ad conficienda acta, non ad ferendam sententiam in casu. Quare quae Vicarius Capitularis scribit de impossibilitate appellationis, nituntur manifeste erronea interpretatione rescripti S. C. C, quae per allegationem Const. *Dei miseratione* et *Instr. S. C. C.* anno 1840 intendere solet, ut in actis iudicialibus conficiendis tantum ab Ordinariis illa decreta S. Sedis observentur: ipsa enim sententia iudicialis in huiusmodi causis non spectat ad Ordinarios. Fundamento quoque caret petitio, ut ab inspectione viri dispensetur. Non attendit Reverendissimus Vicarius Capitularis in casu agi de non consummatione matrimonii propter allegatam quandam difficultatem et aversionem uxoris, non ob impotentiam mariti, quam nemo unquam asseruit. Quare inspectio viri esset facienda, si nullitas vel non consummatio matrimonii ex impotentia viri repeteretur; at in casu de *potentia* viri, ne minimum quidem est dubium. Ergo frustra postulatur dispensatio super re non requisita planeque superflua. Quodsi Reverendissimus Vicarius Capitularis tandem petiit, ut propter circumstantiarum difficultatem inspectio mulieris fieret a duabus, non a tribus obstetricibus, facilius isti petitioni potuit obsecundari. Nam quamvis ipse tanquam iudex dele-

[*Latin ed. p. 24*]

24. In Nantes, one was obligated to observe with meticulous care the specific procedure prescribed, cf. chapter 22, X, De rescr. 1, 3, i.e., Instr. S. O. C. from the year 1840; nevertheless, it cannot be denied that, in this case, there was a considerable difficulty in finding three midwives. Furthermore, it is evident from the Instr. S. C. Inq. on the same matter from the year 1858 (1) that only two midwives are required, which differs from the aforementioned norms in this matter and in certain other secondary regulations. Cf. Arch. iur. eccl. vol. 76, pages 222 and following. Indeed, the Instruction of Cardinal Rauscher, recommended by the Third Plenary Council of Baltimore, § 104, is completely silent regarding these midwives, and only mentions men skilled in the art of medicine. Consequently, after hearing the petition of the defender of the marriage bond, a new rescript was issued to the Sacred Congregation: "The Bishop, who is to ensure that the proceedings are completed, shall, for the purpose of the attached instruction of the defender of the marriage bond, be ex officio before the Sacred Congregation." In this instruction, in addition to the careful observance of the Constitution *Dei Miseratione* regarding the duties of the defender of the marriage bond, a testimony from seven witnesses from each side is particularly required, as well as a physical examination of the wife

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"by at least two midwives." This rescript, having been transmitted to the Curia of Nantes, led to the commencement of a new process, delegated by the Apostolic Delegation. However, the beginning of this process was not auspicious. Indeed, the Most Reverend Bishop of Nantes appointed his Vicar General, Henry Marchais, as his delegate in this case; but, remarkably, in the entire mandate of delegated power granted by the Roman Pontiff, no mention is made of this, and everything is decided as if the Bishop were proceeding in this case by his ordinary authority. Surely, no one will deny that the Bishop is the ordinary judge in the first instance, competent to hear a case of nullity of marriage due to impotence. Cf. chapter 1, X, division IV, 15; Benedict XIV, Constitution *Dei miseratione*, §§ 8, 13. However, to institute the process...

(1) At the end of this case, you will find the following instruction, attached as an appendix.

[*Latin ed. p. 25*]

NANTES. 25. In the matter of requesting a dispensation from a valid marriage, the Ordinary Bishop does not possess the competence, as is evident from the cited Constitution *Dei Miseratione* § 15, and from the alleged decision of the Sacred Congregation of Councils, dated June 16, 1894. Therefore, the omission of the apostolic delegation, which is contrary to the practice of other Ordinaries, should be noted, although this does not necessarily imply the nullity of the delegation; for the rescript of the delegation does not require such a memorial with a nullifying clause. Another defect in this delegation is of greater importance. For the Vicar General is appointed to also pronounce judgment in the case. In this matter, the Most Reverend Bishop of Nantes manifestly exceeded the limits of the apostolic mandate. He was delegated by the Sacred Congregation of Councils not to pronounce judgment on the non-consummation of the marriage and the grounds for the dispensation, but to complete the proceedings. Consequently, the delegation of the Most Reverend Bishop, insofar as it extends to the pronouncement of judgment, is null and void due to lack of authority. For such a judgment must already be pronounced in the first instance by the Eminent Fathers. From the remaining acts of the judicial process, it is clear that both parties were examined in the legitimate manner; also, witnesses were duly produced and examined on both sides. However, a new physical examination of the wife, according to the form prescribed by the Sacred Congregation of Councils, was not performed. This examination is supplemented in the records by the testimony of two physicians, who testify that they found the hymen of Anne to be intact, and that, in order to facilitate conjugal intercourse, they performed a surgical procedure to perforate it after the marriage had already been contracted. Finally, at the end of the proceedings, the Most Reverend Vicar General, Henry Marchais, in the most solemn manner and after many allegations, pronounced the fol-

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lowing judgment: "We pronounce and judge: The marriage between Peter Joseph and Anne Mary Magdalene was validly contracted; however, that marriage was not consummated, and there are grounds for a dispensation, if it pleases the Most Holy [See], regarding the marital bond." It is unnecessary to demonstrate with many words that this judgment...

[*Latin ed. p. 26*]

26. NANNETENSIS. Furthermore, the General Vicar, Henry Marchais, declared the aforementioned sentence to be entirely null and void, at least with regard to the non-consummation of the marriage and the grounds for dispensation. For it has been demonstrated in the preceding text that the ordinary and delegated judicial power of the Bishop of Nantes does not extend to issuing such a sentence. After these proceedings, the documents had not yet been transmitted to the Roman Curia, but the defender of the marriage bond of the Curia of Nantes appealed against the sentence, which was declared null and void, to the Curia of the Archbishop of Tours. This appeal was limited to that part of the sentence of Nantes, in which the General Vicar, Marchais, declared that the marriage of Anne was not consummated. For it would have been entirely inappropriate for the defender of the marriage bond to appeal against a sentence issued by the General Vicar in favor of the validity of Anne's marriage. Indeed, Benedict XIV, in the Constitution *Dei Miseratione*, § 8, states in clear terms: "Therefore, if a judge rules that a marriage is valid, and no one appeals, the defender of the marriage must also abstain from appealing." Similarly, the appeal against the other part of the sentence was also inappropriate. For it was brought against a sentence that was plainly null and void, and against a judge who had absolutely no jurisdiction. Indeed, the Bishop of Nantes could have delegated the Archbishop of Tours to examine witnesses or perform a similar act in order to investigate the case or to prepare the proceedings; but just as the Bishop himself had not received any delegation from the Apostolic See in the first instance to issue a sentence regarding the non-consummation of the marriage, so too the Archbishop of Tours lacked all jurisdiction in the matter of the appeal. Therefore, with the best of reason, the Archbishop of Tours abstained from issuing a sentence and suggested that the case be sent directly to Rome, in its current state and with its current terms. Moreover, in a certain letter included in the records, which was written by the Official of Tours, it is stated that, after examining the entire process, the Curia of Tours could not have pronounced a sentence different from that of the Curia of Nantes, if such a sentence were to be issued. This letter...

[*Latin ed. p. 27*]

NANTES. 27. The aforementioned document, being of an informal nature and subject to conditions, does not possess the full force of a judicial

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sentence, but rather serves as a certain extrajudicial testimony from a man skilled in the art; it is a means to investigate the truth. However, the appeals in this case have not yet reached their conclusion. For the intrepid defender of the marriage bond of the Nantes ecclesiastical court, having received the responses from the Tours ecclesiastical court, formally "appeals" to the Holy See. The reason for this new appeal was once again that very same principal error: that the Holy Congregation of Councils had delegated the Bishop of Nantes to investigate and decide the case. Another error seems to have been added to this, concerning the duty of the defender of the marriage to appeal in these cases even at the third instance. Indeed, according to the Constitution *Dei Miseratione*, §§ 9, 10, 11, a double sentence, conforming to the nullity of the marriage, must be legitimately issued through a new appeal, and not suspended. But in this case, it is not a question of declaring the nullity of the marriage, but of the non-consummation and of the reasons required for a dispensation concerning a valid marriage. In this case, only one sentence is required, which, according to the same Constitution *Dei Miseratione*, § 15, is usually presented by the Holy Congregation of Councils even in the first instance, so that the Most Reverend Fathers may have a solid foundation for the advisory opinion given to the Most Holy Lord in such cases. Therefore, all sentences in the lower tribunals concerning the non-consummation and the reasons for a dispensation, if validly issued, are furthermore tergiversations and ambiguities that are completely useless. After so many distinctions, the acts of this process were finally presented to the Holy Congregation of Councils, in which, with the usual preliminary discussions, the merits of this case must be debated and a judicial decision made. Before proceeding to the advisory opinion and the dissolution of the valid marriage in this case, it must be established by certain and legitimate proofs that the marriage of Peter and Anne has not been consummated, and that canonical reasons exist for granting the dissolution of the valid marriage. The non-consummation of the marriage in this case is asserted by the concordant and sworn testimony of both spouses, from which, in the first place, it is evident that...

[*Latin ed. p. 28*]

28. In tali casu, una legitima probatione, id est, testimonio, est iterum adhibendum. Cf. Instructio S. C. C. Augusti, 1840, §§. Cum, igitur, examen completum sit, Instructio S. C. Inq. anno 1858 et 20 Iunii, 1883 (1). Quare, cum in casu depositiones coniugum non discordant, ad auxilia iuris et praesumptiones non est confugiendum, utrum parti affirmanti aut parti neganti magis sit credendum, sed unice ex errore aut ex collusione coniugum vis probandi concordi assertioni potest negari. Cf. cit. Instructio S. C. Inq. anno 1883. At error in casu nostro certe non habuit locum, cum in actis iudicialibus nullum habeatur vestigium, quod coniuges naturam actus coniugalis ob nimiam quandam simplicitatem ignorarint aut de facto

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adeo sensibili hallucinationibus fuerint obnoxii, collusio vero nullo solido argumento demonstratur, imo honestate coniugum atque ipsa dissensione animorum aliisque iuris auxiliis excluditur. Quoniam ipso fatente actore in causa, id est, marito, et ex consensu uxoris negari non potest, coniuges per sex hebdomadas in eadem domo cohabitasse eodemque lecto usos esse, praesumptio quaedam ex communiter contingentibus inter coniuges ad copulam habiles videtur militare contra assertionem utriusque coniugis. Quare, maxime in isto casu, iuxta recentissimam quoque responsionem S. C. O. in causa Varsaviensi, 16 Iunii, 1884, « testimonium septimae manus stricto sensu sumptum (exigitur) ad corroborandam confessionem coniugum quoad inconsummationem matrimonii ». Quod testimonium septimae manus iuramento credulitatis confirmatum, saltem si numerus testium spectetur, in actis iudicialibus huius causae exhibetur. Atque ex parte viri nihil reperitur, quod solide contra testes eorumque depositiones excipi possit. Sunt enim omnes illi septem testes, quoad longe maximam partem, proxime consanguinei mariti aut ipsi intime coniuncti et noti. Neque testium honestas in dubium vocari potest. (1) Instructio diei 20 Iunii 1883 relata fuit Vol. XVIII, 344.

[*Latin ed. p. 29*]

NANNETEN. 29 witnesses testify that the assertion of the spouses must be held, and also, from the opinion of the witnesses themselves, that the marriage of Peter was not consummated. Regarding the wife's side, it must be conceded that two of the seven witnesses contribute little or nothing to the matter. The wife's relatives are not among them, and they declare that they know nothing about the main question, namely, the non-consummation of the marriage. But the remaining five witnesses of the wife entirely agree with the seventh witness, the husband. The only difficulty of greater importance, to which the defender of the marriage insists, is that the testimony of the pastor, "of the parish of the wife and her mother," was not obtained. Indeed, in another case, in which the testimony of the pastor and the mother of the bride had been omitted, the Fathers of the Congregation, before proceeding to a final judgment, decided that the pastor and the mother should be examined in a judicial manner. However, it must be conceded that there is a significant difference, both in law and in fact, between the two cases. For in the cases of Gnesnens, July 28, 1892, and September 1, 1894, the matter concerned declaring the marriage null due to force and fear; in our case, we are discussing the non-consummation of a marriage that is undoubtedly valid. Furthermore, in the judicial examination of force and fear, special precautions are taken to ensure that the pastor is heard, to whom the obligation of examining the betrothed before the celebration of the marriage is particularly incumbent, especially with regard to force and fear. Moreover, in the aforementioned cases of Gnesnens, the proof of force and fear was ambiguous and weak,

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and therefore, it was necessary to supplement it with the testimony of the pastor and the mother. But when it is a question of the non-consummation of marriage, parents, relatives, and neighbors are said to be heard as seventh witnesses, not the pastor. Indeed, there seem to be good reasons to abstain from examining the pastor in similar cases, as it is said that they, too, are accustomed to mixing conversations with their parishioners about the consummation of marriages. Furthermore, in this case, the pastor of the wife was not present.

[*Latin ed. p. 30*]

30. NANTES. Alia. For, as it appears from the records, he, as a delegate of the Ordinary of Nantes, examined Anne concerning the non-consummation of the marriage. In this examination, Anne entirely denied that her marriage had been consummated. To this testimony, the parish priest of the wife does not contradict in a letter attached to the records, and moreover, adds that two doctors, during a surgical operation, found Anne to be a virgin. Therefore, only one thing remains, which is quite remarkable, namely, that the mother of Anne was not examined. This omission certainly has an easy explanation, if the mother of Anne was already deceased. But if she is not deceased, her testimony is of the greatest importance in this case; for it is easier for a daughter to confide in her mother about a matter of the non-consummation of marriage than with her father and other relatives. Therefore, since the defender of the marriage in the court of Nantes is certainly better informed about the facts, he scarcely would have raised the question of the omitted examination of the mother, if she were already deceased. Thus, there is a serious flaw in the process, and this omission is rightly considered suspicious, until sufficient explanations are provided. A third argument of the greatest importance, by which Anne's virginity could have been proven, was the physical examination, carried out according to Instruction S. C. C. 22 August 1840, as was ordered according to custom in the rescript. But in the judicial records, the following is read: "Subsequently, Anne was again brought in, and then both the judge and the defender of the bond earnestly urged her to submit to an examination by two midwives, according to the decree of the Holy Congregation. Everything was already prepared. Present in the building were two expert surgeons, one, another doctor, two midwives, and a matron. But the exhortations were in vain, as the aforementioned Anne entirely refused to undergo the examination, due to natural modesty, and because, since she had already been examined by doctors while ill, she considered anything further to be useless." The two reasons given by Anne to reject the physical examination have no validity. For modesty cannot be

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alleged against a legitimate command of a superior in the Church.

[*Latin ed. p. 31*]

NANNETEN. 31. A physical examination, which was not performed in the canonical form, cannot, at the discretion of a woman, substitute for a canonically performed examination. However, Anne omitted a certain reason in her favor, namely, the destruction of the hymen through a previously performed surgical operation. In the judicial records, Dr. Abeille, a physician, to whom Dr. Poisson, a surgeon, assents, testified: "The hymenal membrane separated under the efforts of the surgeon; the passage was open, and at most, one could foresee that there would be need to remove the caruncles." Where, however, such a destruction of the hymen has occurred, the physical examination scarcely has any purpose. Hence, if in the Instruction of the Holy Congregation, June 20, 1883, it is stated: "This examination of the woman is to be omitted, if she is a widow, or if she has been separated from her husband with whom she is in dispute, or even before, if she has had intercourse with another man," a similar statement can almost be made about our case. For the principal purpose of the physical examination lies in ascertaining, for certain, whether the hymen is intact or injured. But in our case, the hymen was completely destroyed by a surgical operation; therefore, it cannot be determined at all concerning the integrity of the hymen. If someone were to say that, at least from the physical examination, it could be ascertained whether the hymen had been cut off by a surgical operation, that is of no consequence to the matter. For, if the hymen has been perforated by a surgical operation, the marriage can be consummated, of which no trace remains. Therefore, the entire discussion ultimately reduces itself to this: whether credence should be given to the physical examination performed by Drs. Abeille and Poisson. In this matter, it must be conceded that the physical examination was not performed according to the Instruction of the Holy Office, August 22, 1840, and according to that special Instruction given in this case, by virtue of which the examination is said to be performed by at least two midwives, saving the rest of the Instruction of August 22, 1840. For the bath was not at all used, nor was the examination performed directly by two midwives, but by two expert men; finally, the legitimate form was observed by these two experts in the examination itself.

[*Latin ed. p. 32*]

32. Concerning Anne, the action and the circumstances following that event were not observed, and it was not until two years after this private examination that, in the judicial records obtained through the Apostolic Delegation, a declaration was found, signed by those two expert men. This declaration was signed by both doctors, Dr. Abeille and Dr. Poisson, but it was not confirmed under oath, nor does it appear from the judicial records

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that the delegated judge obtained any testimony regarding the examination of the two experts, according to the form prescribed in Instruction S. C. O. of August 22, 1840. It is difficult to insist greatly on the omission of the *balneum* to impugn this examination. Although the S. C. O. in the aforementioned Instruction of 1840 completely requires the *balneum* in a properly conducted examination, the S. C. Inq. in Instruction of 1858 only conditionally requires the *balneum*: "If, after the woman has taken a bath, it is deemed necessary by the physician and the midwives themselves." The same S.C. Inq. in Instruction of June 20, 1883 is entirely silent on this *balneum*, nor is the *balneum* mentioned in the Instruction of Cardinal Rauscher §§ 174-175. Therefore, it cannot be insisted upon that the examination of Anne was performed by two men, one a doctor, the other a surgeon, and not by two midwives. In this matter, the most important thing to consider is what means is entirely suitable and legitimate in itself to prove the fact of non-consummation. But the examination by a doctor and a surgeon is a suitable means, indeed a more suitable one, to prove with greater security and certainty that a marriage has not been consummated, than by two midwives; it is also legitimate, because although the examination by midwives may be more in conformity with the laws of decency, it is not intrinsically bad if performed by doctors, unless, of course, doctors were sometimes to be excluded from assisting in difficult labors or in treating certain illnesses of women; it can, however, be made decent if the necessary precautions are not neglected. Therefore, it is not surprising that midwives are not mentioned at all in the aforementioned Instruction of Cardinal Rauscher, loc. cit. Gasparri, in his treatise on marriage, no. 1197, writes:

[*Latin ed. p. 33*]

NANTES. 33 "We have already stated concerning substantial matters (i.e., that the procedure prescribed by the Apostolic See must be observed), because, for example, in the Parisian court, the examination of a woman's body is not performed by three midwives, but by two experts, assisted by not a matron, but a religious sister from those who assist women in childbirth. The examination is not performed by five, but by two experts; furthermore, the judge, the defender of the marriage, and the chancellor never attend on the appointed day and hour at the place of the examination, and yet the Sacred Congregation of the Council does not usually approve of the acts of that court." Therefore, the court of Nantes does not seem to be blameworthy, since it included in the judicial records the testimony of those two experts, since, due to the obstinacy of Anne, nothing else could be done. This testimony of the doctors, although not given in a perfectly canonical form, nevertheless, according to the tenor of the declaration, is given ex officio and for the use of the ecclesiastical court. Neither the defender of the marriage of the court of Nantes proposes any exception against the

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assertion of the doctors, but completely abstains from contradicting the science and honesty of the doctors, that the hymen of Anne was found intact during the surgical operation. Therefore, even the defender of the marriage seems to have been convinced of the truth of the assertion. But the integrity of the hymen constitutes the principal and peremptory argument of virginity, unless one wishes to divine or to resort to certain extraordinary exceptions, which in our case would strictly have to be proven against the ordinary and natural signs. Indeed, one must adhere to the natural order of things, and therefore this kind of argument has constantly been admitted by the Sacred Congregation of the Council, despite certain objections. If now it is asked about the reasons for which a dispensation from marriage in this case might be granted, it does not seem to be doubtful that there are sufficient reasons in number and gravity. Indeed, first of all, there is already so much aversion of the mind, that a happy outcome of this marriage can scarcely be hoped for. Furthermore, although it cannot be proven with certainty that Anne is truly impotent, yet, according to the testimony of the doctors, Anne is a woman afflicted with hysteria. Acts, Vol. XXXI, page CCCLXI. 3.

[*Latin ed. p. 34*]

34. NANTES. And its manner of acting is entirely singular. Therefore, this marriage will often prove useless to the husband, burdensome, and deprived of its legitimate use. Consequently, the husband is exposed to serious dangers of sin. Conclusion. In this case, it seems morally certain that the marriage has not been consummated, and even more so, that the reasons for a dispensation are present; however, before rendering a strict judicial judgment, it appears that a formal examination must first be conducted, according to the brief instructions to be given by the Defender of the Bond, S. O. C., to the mother, Anne, and to two physicians. Furthermore, it seems necessary to inquire of the Curia of Nantes whether, in the meantime, any reconciliation or cohabitation of the spouses has taken place, unless it appears that the parties should be excused from these new formalities by a benign dispensation.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE, BY OFFICE. Peter, Joseph, and Anne Maria Magdalena entered into a conjugal bond on June 29th of the year 1891, observing the form prescribed by the holy Council of Trent. From the day of the wedding until August 14th of the following month, the newlyweds lived together in the marital home, except for some absences of Anne. On the aforementioned August 14th, 1891, Anne bid farewell to Peter, and Peter, as stated, sought a divorce from a lay magistrate. Regarding this matter, Anne justly asks: "My husband (so she says) requested a divorce after only six weeks, which greatly upset me." Elsewhere, the wife states: "He made his request on September 9th, 1891." The husband asserts that he did so "at the end of the month of Octo-

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ber, 1891." Now, Peter attempts to demonstrate that the marriage remained imperfect; but he labors in vain. For the written testimony of the doctors Abeille and Poisson has absolutely no weight, since the examination of the woman's body was ordered after two years had already elapsed since the marriage. Furthermore, whatever examination was made was, for various reasons prescribed by law, incomplete.

[*Latin ed. p. 35*]

NANNETEN. 35 saints. Neither did the physicians undertake any examination to ascertain her virginity, but they declared, with the utmost certainty, that they had seen evidence of it, through a partition, as they claim. To this, add that in proven cases, after the hymen has been dilated and ruptured by experts, it is not always the case that it has been so only at a single moment in time. Furthermore, Anne departed on August 14, 1891, while the separation from the physicians occurred on the 13th of the aforementioned month. Nor is the sworn testimony of the spouses of greater weight than the seventh witness. In this matter, the most important is the grave testimony of the physician Paul O'Neill, who, when questioned by the judge: "Do you believe that La (Anne) is incapable of telling the truth?" replied: "Hysterical women have only a partial awareness of what they are saying; their testimony is always suspect." Aloysius Maria Babanneau was content to assert: "I do not believe that she is accustomed to lying." Furthermore, it should be observed that the testimony of the seventh witness is required in court, as Sánchez de Matrim, book 7, disputation 108, number 7, states, so that there may be no collusion between the spouses; and so that, with greater diligence applied, the dissolution of the marriage may be effected. This is a matter of the utmost importance. But no sane person would say that, apart from the sworn testimony of the spouses and the seventh witness, no other evidence is required to prove the fact, for example, the lack of consummation of the marriage, upon which the dissolution of the marriage depends. For, if this were admitted for a time, it would be very easy to deceive the court in matrimonial cases. Nor is the sworn testimony of the interested parties attended to in the very judgments themselves, even if a host of witnesses affirm that they are incapable of lying. Consider the celebrated case of Cap. Laudabilium, 5, concerning frigidity and bad conjugal relations. There, Pope Celestine III speaks of those who are naturally frigid and of a three-year cohabitation of spouses, in which circumstances, the seventh witness, that is, relatives and neighbors, declare that the spouses have truly lived together, not only in relation to the conjugal bond, but also in relation to the facts that they have seen or heard at a time when there was no suspicion. The Pope speaks of a man who bears a permanent mark of impotence in himself and is subject to a

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perpetual prohibition from marrying.

[*Latin ed. p. 36*]

36. QUESTION. I confess that I find it difficult to believe that the most illustrious light of the Church and eminent leader of the forum, Cardinal De Luca, nor the frequently cited chapter 5 concerning frigidity, nor the best interpreter of any law, having carefully considered the matter, could have known. Indeed, Cardinal De Luca holds the opinion that, given the disposition of the spouses and the absence of any impediment, the proof of the non-consummation of marriage, if the woman cannot trust in the appearance of her own body, is almost impossible. "A great difficulty existed for me," he writes in *De Matrimonio*, discourse 9, number 15, concerning a widow who had already slept with her husband, and therefore I did not understand how the negative consummation of marriage could be proven, although it is not entirely impossible to justify, yet it seems too difficult, so much so that it is a difficulty that is somewhat akin to impossibility." Indeed, if the oath of the spouses, together with the testimony of seven witnesses affirming their trustworthiness, were sufficient to establish the non-consummation of marriage, then the proof of non-consummation would always be readily available for widows who have slept with their husbands repeatedly, just as it is for virgins. For, in such cases, the testimony of seven witnesses is necessary for both virgins and widows. However, it rarely happens that the witnesses, when the spouses themselves are present, would brand the spouses with the mark of perjury. I considered it superfluous to elaborate on the vices of investigation, since the most learned canonist consultant discusses these matters accurately and learnedly; and, without delay, I humbly request that the following formula be written in response to the question: "Negative." With these premises, the purpose was to address the question of whether consultation with the Most Holy See is necessary regarding a dispensation from a valid but unconsummated marriage.

RESOLUTION. After deliberation, the Sacred Congregation decided on January 29, 1898, to respond: "With prior authorization of the proceedings, affirmative."

[*Latin ed. p. 37*]

APPENDIX REGARDING THE IMPEDIMENT OF IMPOTENCE. Instructions of the Sacred Congregation of the Holy Office, 1858 (Concerning the conduct of a process regarding the impotence of a man, and the failure to consummate the marriage, with the dispensation of the Pontiff from the strict observance of the prescriptions of the Bull of Benedict XIV, by the mercy of God). The judge appointed for this purpose must have before his eyes that all examinations, whatever they may be, must be carried out under oath; and the secretary of the episcopal court, or another person delegated, shall record the interrogations, answers, and all proceedings

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in writing, first noting the month, day, year, place, and the name of the judge before whom the proceedings are presented, as well as the names of any witnesses to be examined. Witnesses shall be heard individually, and at the end of the examination they shall sign with their own name, or with the sign of the cross if they are illiterate. The first spouse shall be heard, the one who is the plaintiff in the case. The interrogations are left to the judgment, prudence, and sagacity of the judge; nevertheless, for his convenience, the following are presented, to which others may be added as he deems best in the Lord, in order to more and more discover the truth of the facts, namely: For how long have the spouses known each other before the marriage; whether they entered into the marriage with the consent of their parents, spontaneously, and with mutual consent; whether on the following night they slept in the same house, in the same room, and on the same bed, and whether they willingly and freely performed the conjugal duties; whether the marriage was consummated; whether the person being examined knows, or suspects, the causes for which they were unable to consummate the marriage, even if they have attempted it several times on subsequent nights; whether this occurred due to excessive constriction of the woman's vagina, or due to excessive thickness of the man's penis, or due to weakness, so that there was no erection, or a very slight one; whether, and for how long, any medications were used, and what were their effects; how long they have lived together, and slept together; who was the first to abandon the other spouse, and whether other causes have arisen; whether, and to whom, they revealed in secret that the marriage had not been consummated.

[*Latin ed. p. 38*]

38. Tunc, ille nomina eorum singulatim recitat. Haec, vel res similes, etiam ab altero coniuge requiruntur, ut investigetur si inter se plene conveniant. Deinde, testes qui ab ipsis coniugibus fuerint recensi, separatim examini subiiciuntur. Prius vero, eorum parentes audiuntur, uti praesumptibiliter magis informati; postea vero, servi et vicini. Si quis illorum obierit, vel longinquas regiones petiverit, in actis id indicandum erit. Sequentes interrogationes proponuntur, sed immutandae pro rerum adiunctis: - Num cognoscit coniuges de quibus sermo; num scit utrum libenter, et mutuo affectu, sese copulaverint, coierint, et matrimonium consummaverint; num sit instructus quibus de causis consummare non potuerint, et an, et quid ad illa removendas, experti fuerint; qualis contestatio inter ipsos exstitit; qualis sit fama, tam apud se, quam apud alios, de hac praetensa non consummatione. Singulorum testium absoluto examine, duo saltem ex celebrioribus civitatis physici medicina et chirurgia peritissimi, corpus viri inspicient, super eius potentia ad coeundum cum mulierem maxime virginem; nec ille physicus praetereundus qui forsan antea fuerit adhibitus ad viri incommoda medenda. Animadvertendum

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autem, ut mediis utantur licitis et honestis, et perscrutandum praecipue utrum illius virilia sint juxta naturae leges accurate conformata: nimirum, an penis naturalem habeat dimensionem, promptamque erectionem ad coeundum necessario duraturam; an aliquo morbo fuerit affectus, a quanto tempore, et cuiusnam characteris; an fibrae compactae et consistentes, seu potius flaccidae lassaeque sint; an testes sani, naturalisque magnitudinis, et utrum aliquo vitio laboraverint, vel adhuc laborent; quo in casu, morbi characterem, et causas investigabunt; an verus, vel recens, naturalis, vel acquisitus, et an curabilis, nec absque salutis periculo. - Quibus omnibus diligenter inspectis, singula sub iuramento scripto tractent, et quid ipsi sentiant de viri impotentia, an acquisita.

[*Latin ed. p. 39*]

WITNESSES. Whether [the woman] is a virgin, or whether she is only absolutely, or merely relatively, a virgin, let them frankly declare this, leaving nothing to be doubted. Furthermore, the woman's body, and especially her genital organs, shall be examined by at least two midwives, skilled in their art and practice, and of good morals, after the woman has first been bathed, if it is deemed necessary by the physician and herself. They shall carefully observe the signs that constitute the integrity of the woman, namely, the conformation of the parts, the juncture, the firmness, the texture, and the color; whether the hymen is intact, or broken entirely or in part; in this case, whether it was broken by a natural cause, or rather, by the introduction of a foreign body; whether myrtiform caruncles are found, and their size, number, and conformation, and other signs, as taught by the art, which constitute the integrity or corruption of the woman, shall be diligently examined. Then, each one separately shall, under oath, faithfully report in writing to the registrar everything they have found, and shall declare their opinion regarding the integrity of the woman. These depositions shall be delivered to the aforementioned physicians, so that they may determine whether the woman is still to be considered a virgin, and whether the marriage is to be considered unconsummated. But if any doubt still remains to be clarified, the midwives shall be examined again, with appropriate questions prepared by the physicians themselves; and if, nevertheless, the opinion of the experts remains divided, the woman's body shall be examined by them again, in the presence of a matron of ancient virtue, who is subject to no exception, and who has been designated by the Ordinary. After the examination, the physicians shall give their judgment, and shall state the reasons on which their opinion is based. However, it will not be omitted to investigate, by hearing them from their parish priest or other trustworthy and well-informed person, whether the witnesses are of good morals, so that their depositions may be considered worthy of full credence. After all the above has been carefully collected by the Ordinary, he will hasten to send it to the Holy Congregation, to be subjected to the decree of its

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judgment.

[*Latin ed. p. 40*]

40. NANNETEN. Instruction of the Sacred Congregation of the Holy Office, September 1890 – To the Bishop of Missouri, who requested instruction on the manner of proceeding in matrimonial cases involving the impediment of impotence, the Most Holy Congregation of the Roman and Universal Inquisition transmitted the aforementioned Instruction, along with the following observations.

1. Although a dispensation from the strict observance of the form prescribed by the Benedictine Constitution *Dei miseratione* may be granted, it must be understood that this applies only under the circumstances explained, and in cases in which such observance would be impossible or very difficult.

2. Even in these cases, one should, as much as possible, adhere to the form, and care should be taken to observe it at least in its essential elements.

3. Therefore, if the process is to be conducted in the city where the Bishop resides, or in places not far from it, its observance must be more rigorous than in cases where, due to distance, particular circumstances, or lack of suitable persons, it cannot be adequately carried out.

4. In places where only one missionary is found, another priest must be sent to assist him as the defender of the marriage bond, and together they should conduct the examination, and determine the physical examination in the best way possible, according to the circumstances of the place and the persons involved.

5. After the acts have been completed, before the Ordinary proceeds to judgment, he will send the entire process to one or more priests, whom he considers more experienced, and will inquire their opinion both regarding the form and regarding the substance; and to the extent that moral certainty can be derived from their opinion, the Ordinary, after hearing the defender of the bond, will judge in the first instance, and then he will transmit the acts, along with the judgment rendered by him, to the Metropolitan, and also, if he wishes, directly to the Holy See.

6. If the aforementioned priests consider the acts to be insufficient, they will be supplemented, and then judgment will be rendered as above.

7. When, from the series of acts, impotence is concluded...

[*Latin ed. p. 41*]

41. NANNETEN. It cannot be proven three times; nevertheless, it will be established with moral certainty that the marriage was not consummated, and that there are reasons which suggest a pontifical dispensation concerning a marriage that is valid but not consummated. The complete records shall be transmitted to the Holy See, together with the petitions by

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which such a dispensation is requested. In cases which present particular difficulties, it will be fitting for the Ordinary to appeal to the Holy See, setting forth all the circumstances of the case.

EUGUBINA, DAY OF JANUARY 29, OF THE CONFRATERNITIES, 1898. SESSION 24, CHAPTER 3, ON REFORMS.

COMPENDIUM OF FACTS. In the city of Eugubina, four confraternities have long been established, commonly called the Confraternity of the Holy Cross, the Confraternity of the Trees, the Confraternity of Negros Island, and the Confraternity of Saint Philip, which have customarily devoted themselves primarily to the task of burying and associating with the dead.

However, since the year 1601, as is said, a Sodality of the Most Holy Sacrament has flourished in the same city, to which, until now, it has not been customary to associate the dead. This Sodality, established in almost every parish, is primarily cared for by the parish priests, who earnestly request the members of both sexes to frequently and devoutly accompany the Most Holy Body of Christ when it is brought to the sick, for the Sacrament of the Eucharist. In recent years, the parish priests have diligently striven to promote the cult of the Most Holy Sacrament, and have endeavored to establish such sodalities in their churches, providing them with the means necessary to be properly established. The parish priests of Eugubina believed that they could more easily achieve this if this Sodality also devoted itself to burying and associating with the dead. Therefore, they wrote letters to the Bishop, with this very purpose in mind, so that he might grant the right which had hitherto been...

[*Latin ed. p. 42*]

42. In Gubbio, alongside four other confraternities, the confraternity dedicated to the Most Holy Sacrament was also counted. Moved by these reasons, the Bishop issued this decree: "Having considered the accounts presented by the parish priests of the city of Gubbio, having seen the difficulties of the times, especially in financial matters, and having observed the pious efforts of the Catholic Congresses, particularly those of Naples and Turin, for the greater honor and worship of the Sacrament of the Most Holy Eucharist, we gladly grant that, in every parish church where it does not yet exist, a pious sodality or confraternity of the Most Holy Sacrament be established; indeed, we command each parish priest in the city of Gubbio to, as soon as possible, prepare the statutes of the confraternity and to present to us a formal request for the establishment of said confraternity, so that we may, as quickly as possible, grant its canonical erection and approve its statutes. We desire that the aforementioned confraternities, whether already established or to be established in the near future, serve especially in their own parish churches, particularly in providing worship to the Most Holy Eucharist, in the solemnity of the Forty Hours, and in

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processions in which the Most Holy Body of Christ is sacramentally carried. – Furthermore, preserving what is prescribed by the recent diocesan synod concerning the rights and obligations of confraternities existing in the city of Gubbio, in the association of bodies, we decree that, in the future, pious sodalities or confraternities of the Most Holy Sacrament, but only those already canonically established and recognized and approved by us, may and shall, within their own parishes, associate bodies, namely those who have given their names to said confraternities, and who are still found in the brotherhood's roll at the time of their death, provided that they have fulfilled the obligations they undertook in life, and also those who have requested association with said confraternity. – But in this case also, the parish confraternity must always associate the body, so that the confraternity of one parish cannot represent the confraternity of another parish, or act in its place. We also desire that the rights of the confraternities of the Holy Cross not be rendered futile."

[*Latin ed. p. 43*]

GUBBIO 43. The Confraternity of the Most Holy Sacrament in Alborum, Nigrorum, and S. Philippi, may not bury the bodies of those who are not members, unless united with at least one of the aforementioned Confraternities, with the due precedence to be observed. We hope that these Confraternities of the Most Holy Sacrament may exist and be prepared for the future solemnity of the Most Holy Body of Christ, which recurs in the month of June, and that they may perform this praiseworthy office in each parish for the eight days of devotion. These Confraternities shall have the right to carry the Crucifix and to have a large banner, or standard, as they call it. - Given at Gubbio on January 6, 1895. - Aloysius, Bishop.

The aforementioned decree was announced to all the Sodalities, which aroused both admiration and complaint from the members of the four Sodalities which had previously held the exclusive right to bury the bodies of the faithful, because they had not been informed of the issuance of the decree, nor had any consideration been given to the right which they had peacefully exercised for so long. Therefore, the Priors of these four Confraternities appeared before the Bishop to complain about this decree.

However, within the time that elapsed from the publication of the decree, whether the Priors brought forward this complaint according to the records is not certain, and this was noted, since the question will later arise as to whether the extrajudicial appeal (which must be made within ten days) was indeed made within the proper time.

What was their intention, when they protested, is indicated by the same Priors in letters given to the Bishop of Gubbio on May 11, 1897, among other things, stating: that they did not wish to make a direct opposition to such a decree of the Bishop, but rather to implore him to revoke it; that they would do so, having been given what they considered to be true reasons.

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This justifies our opposition to the application of the decree. It is clear that these oppositions were considered valid by the Ordinary; for the Ordinary would not have acted in this way unless he had considered the decree to be valid and in force. Whatever may be the reason for the instituted and contested litigation, it is beyond dispute that, from the publication of the decree, there was no peace, and there were arguments.

[*Latin ed. p. 44*]

44. Gubbio and another place presented an opportunity. – Today, before the Sacred Congregation of the Council, there is a dispute between four confraternities and the pastors of the city of Gubbio, who, under the title of "Sodalities devoted to the Most Holy Sacrament," maintain and foster sodalities instituted in their respective churches, which they have cared for and promoted from the very beginning. – The matter was brought before the Sacred Congregation because the Ordinary, Aloysius Lazzareschi, who issued the decree, resigned from the episcopate of Gubbio, and the current Bishop, in his letter of February 22, 1897, requested that the matter be settled by this Holy Congregation. – Furthermore, if the question is whether the (extrajudicial) decree of the Ordinary of Gubbio is valid in this case, the judicial controversy itself pertains to the Most Reverend Fathers, unless it is admitted that there was a place for an extrajudicial appeal. The current Bishop, in his letter, states that the disputed matter concerns only this: the granting, without limitation, to the aforementioned sodalities of the right to perform associations and funerals.

A Synopsis of the Arguments of the Pastors: The pastors approve their intention in this way. They state that the Bishop, in ordering the erection of the sodalities devoted to the cult of the Most Holy Sacrament, has complied with the rules proposed by the eucharistic associations, so highly approved by the Supreme Pontiff; and that, in granting to these same sodalities the faculty of associating, especially the pious dead bodies of their members, he has adhered to the precepts of common law, by virtue of which the right has been claimed by sodalities using a hearse to carry away at least the bodies of their confreres. To this legitimate decree, the pastors urge two reasons in order of practice: the first is the necessity of providing the erected sodalities with the necessary resources, so that they may fulfill their purpose; the second is based on the intention of avoiding scandals, which, the pastors report, occur when the confreres of other sodalities perform this pious work.

[*Latin ed. p. 45*]

EUGUBINA. 45 The Rectors, that is, the Parish Priests, observe, according to the prescription of the decree, that a considerable loss of income will be caused to other confraternities, since they will be compelled, almost as before, to bury the bodies of the faithful. Furthermore, they point out, on

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the contrary, that a great injustice will be done to the confraternities, called "of the Most Holy Sacrament," if the decree is rescinded; because they are already burdened with debts, having incurred expenses in acquiring the furnishings necessary for the burial of bodies, and they add: these expenses have been incurred for several months after the decree was issued, so that the confraternities, if they wished, could have presented a petition; which they neglected to do. If the decree is rescinded, the Parish Priests greatly fear another injustice, namely, offense to the souls, which will be strongly aroused in the more prominent citizens who today have given their names to these confraternities, and this exasperation will be converted into contempt for the Parish Priests and into outrage against legitimate authority, as well as into a disturbance of public tranquility.

THE PRIOR. From the opposite side, the Priors of the four confraternities observe that the Parish Priests are claiming a private right to bury the bodies. The reason why the confraternity of Aversa has abstained from this pious work from its very beginning, they repeat, is first of all from its very nature. Indeed, since Pope Paul III, in the year 1439, by the Constitution "Dominus noster," such confraternities were instituted solely with the intention of promoting and fostering the religion of the Sacrament of Christ's Body. Secondly, from the very Constitutions by which these confraternities were established in the city of Eugubina in the year 1601, by the Prelate Andrea Sorbolongo, in chapter XXX, number 5. Therefore, it is clear that it was not commanded to the confreres to bury the bodies of their confreres, nor was a right granted to them to do so, but only an exhortation was made. Therefore, thirdly, the Priors of these confraternities point out a precedent, by which the four confraternities have long been governed, since the confraternity of Aversa was founded.

[*Latin ed. p. 46*]

46. GUBBIO. Nevertheless, the Procurators of the Sodalities, who are attempting to obtain this today, could not achieve it unless it were for the fact that, in the year 1827, a petition was presented to Bishop Massi a few days before the Synod was held, and that Synod, which is still used by the diocese of Gubbio, decreed it. – Concerning this matter, the Priors of the Confraternities vehemently resisted, so that the right, which had long been peacefully and exclusively possessed, namely, the right to associate with the bodies [of the deceased], would not be granted to others. In order that the matter might be resolved with greater ease, they proposed a concordat, whereby one-sixth of all the revenues derived from the association of bodies would be assigned to the Sodality of the Most Holy Sacrament. The Synod, celebrated by Bishop Massi in 1827, approved and confirmed this concordat in chapter XXX – Concerning Funerals and Burial – ; for it is written in number 6: "Concerning the association of the deceased, we decree that those Sodalities, which they may prefer, may be allowed to choose,

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without regard to any designation, from among the deceased or their heirs." – The concordat, initiated by the Priors of the four Sodalities, which we publish in appendix number 16, also stipulates that all Sodalities shall be obliged to contribute one-sixth of all the proceeds to the Sodality of the Most Holy Sacrament, and not to the particular brothers of the Society of the Most Holy Eucharist who are present at each funeral, and we command that these proceeds be divided among them with equal consideration." The concordat in appendix number 16 was expressed as follows: "Since the Diocesan Synod has decreed that only the four Confraternities of St. John the Baptist (called the Blacks), of the Holy Cross, of the Most Holy Shroud, and of St. Mary of Succor, may associate with the bodies of the deceased faithful in the parishes of this city of Gubbio, the Priors or Rectors of the aforementioned four Confraternities established the following: 'That from this day forward, all the profit, whether in wax or in money, that accrues to the aforementioned four Confraternities... shall be deposited in a single chest, and then divided equally among the aforementioned Confraternities at the end of each year, except for one-sixth of the proceeds... which shall be passed on to...'"

[*Latin ed. p. 47*]

In Gubbio, according to the provisions of the synodal decrees at the end of each year, the treasurer, upon receiving a proper receipt, delivers funds to the Confraternities of the Most Holy Sacrament, established in the six parishes of the churches." The Procurators argue that the synodal prescription did not grant a right, but rather confirmed a custom established from ancient times; and that a notable testimony to this custom had been given at the time the Synods were held. Indeed, when Emperor Napoleon I seized the assets and rights of the confraternities, and while the Confraternities of the Most Holy Sacrament remained dedicated to the worship of God, these, in the meantime, were associated with the bodies of the faithful; but after the old four confraternities were restored from this ruin, they ceased to associate the deceased and continued to fulfill their own duties, as before. Examining the documents pertaining to the present question more closely, the Procurators of the Confraternities note that all and each of the parish priests are found to have signed the petition concerning the matter, but they object to the signatures of the then Vicar of the Cathedral Church, and of the parish priest of St. John the Baptist; for they say that these priests do not hold the title, but exercise the office of the Chapter of the Cathedral, which is truly a parish. They report that the Chapter, in a chapter meeting on January 10, 1897, at the request of the new Vicar of the Cathedral Church, unanimously declared that it in no way approved or would approve of the petition made by the other parish priests to the Bishop. Regarding the Bishop's Decree, among other things, they note that it is undermined by the explicitly added caveat; namely, "Moreover, preserving what is prescribed

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by the twenty diocesan Synods concerning the care and duties of the confraternities existing in the city of Gubbio, in the association of bodies, we decree, etc." Therefore, not only has the law not been repealed, but it has indeed been clearly confirmed, so that no contradictory prescription can stand against it. The Procurators gather the Bishop's intention in issuing the decree from a letter of his dated January 25, 1897.

[*Latin ed. p. 48*]

48. In Gubbio, the matter was finally considered from the perspective of duty: although the Parish Priests presented their complaint or appeal only much time after the controversial decree was issued, it does not seem necessary to raise a special doubt: namely, whether there is a place for an extrajudicial appeal in this case. For first, the Parish Priests do not formally object; second, they do not present any certain fact upon which such a petition is based; finally, the Priors acted in such a way as to turn to the Ordinary to obtain the revocation of the decree, without intending to initiate a judicial cause. - The Ordinary, however, preferred to refer the matter to the Sacred Congregation. Therefore, it is more appropriate today to deliberate about an extrajudicial recourse than about a true extrajudicial appeal. Regarding the merits of the case, it was noted, in the first place, that the rights of confraternities are derived directly not from common law, but from the statutes approved by the Bishop, by which each confraternity is governed. - Lucius Ferraris, *Bibliotheca Canonica*, Vol. V, *De Confraternitatibus*, art. 5, n. 22. In the statutes, it is customary to impose upon the confratres the obligation of accompanying the bodies of deceased confratres; but according to common law, the Sacred Congregation of Rites, in a decree of Bologna, dated December 16, 1617, decreed that confratres cannot attend the funerals of the deceased unless they are specially and expressly called; and Lucius Ferraris, I, c., art. o, n. 16, teaches that the heirs of the deceased may invite as many secular or religious priests, or even confraternities, as they deem fitting, and they cannot be forced to call the Chapter or others, but only the Parish Priest; Sacred Congregation of Extraordinary and Regular Affairs, March 17, 1759; October 11, 1580; January 24, 1581; January 11, 1647, and December 11, 1649. In this matter, because the statutes neither command the confratres to accompany the bodies of the deceased, nor do they prohibit them from doing so, they would, according to common law, be specially and expressly invited if it were a question of someone who is not a confrater; but the confratres can accompany the body of a confrater because of the invitation made in the statutes, which has the effect that everyone presumes that each confrater wishes to conform to this invitation, and therefore, confratres -

[*Latin ed. p. 49*]

In GUBBIO, three individuals sought to interpret the will, while attend-

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ing the funeral, even though they were not expressly invited. Furthermore, the aforementioned agreement, in this case, appears to be a confirmation of the rights belonging to the Sodalitas a SSmo Sacramento, which, yielding to the favor of the other four Sodalities, obtained one-sixth of the funeral proceeds.

In the text of the agreement, indeed, no mention is made of the ratification that was granted to strengthen the agreement by the Sodalitas a SSmo Sacramento, but rather, the agreement was equally confirmed when this Sodalitas received the one-sixth share granted to it, without objection.

Once the agreement has begun, it is certainly irrevocable, unless one of the causes arises by which transactions are rescinded. Among these causes of rescission, one is a very serious injury that results to one of the contracting parties from the non-observance of the contract; as taught by Schmalzgrueber, title De transad, no. 19; indeed, others, such as Reifenstuel, title De trans, no. 52, and Santi, ibid. title, no. 17, believe that a serious injury is sufficient for rescission.

With these considerations in mind, the following was proposed: I) Whether the decree of the Bishop of GUBBIO should be maintained, or rather, should be revoked in this case.

RESOLUTION. The Sacred Congregation, after deliberation on January 29, 1898, decided to respond: Regarding the Eugubine Confraternities, the agreement of the year 1827 should be maintained in this case.

DECREE OF THE SACRED CONGREGATION. Concerning the excardination and ordination of clerics. From the earliest centuries of the Church, many Councils decreed that no one should be ordained except by his own Bishop; as was more recently confirmed by Tridentinum, chapter 8, session 23, concerning the reform. "Indeed, the proper Bishop of someone," as Boniface VIII stated in the Sixth Decree, chapter Cum nullus, concerning the time of ordination, "is understood in this case to be the Bishop of the diocese in which is the one who desires to be promoted to the orders, born and residing." (CCC, vol. XXXI, p. 451).

[*Latin ed. p. 50*]

50 FROM THE SACRED COUNCIL: "either in the diocese in which he holds an ecclesiastical benefice, or in which he has (although born elsewhere) his domicile." Then, since it had become customary for Bishops to admit their relatives, even if from another diocese, to the sacred orders, and the Holy Trident Council, in chapter 9, session 23, concerning reform, approved of this under certain conditions, it was established that, in addition to the three previous titles, namely origin, domicile, and benefice, by which a cleric could be considered a subject of a Bishop, a fourth title, namely kinship, should also be considered. However, when discussing these titles, Innocent XII, in an apostolic letter beginning with the words "Specula-

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tores," dated November 4, 1694, determined and established what conditions should be observed so that someone might be considered a subject of a Bishop, in order that he might be legitimately ordained. This constitution, having been regarded as the supreme law, resolved all questions. However, in our times, it has frequently given upon new controversies. For in many places, it is customary for clerics who wish to leave their own diocese and establish themselves in another to request excardination, that is, a complete and perpetual dismissal from their Ordinary; and after obtaining this, they seek incardination, or affiliation, in another diocese: upon obtaining this, they are, by that very fact, considered subjects of the new Bishop and are admitted to receive further orders. This method of proceeding, when applied with caution and prudence, has proceeded without complaint in some places, but in others, where necessary caution was lacking, it has often led to controversies and abuses. Therefore, the Most Holy Fathers of the Council, after maturely considering all things, have decided that the following should be established in this general decree: 1° Excardination is not to be permitted except for just causes, and it will not have effect unless incardination in another diocese is demanded. 2° Incardination is to be made by the Bishop absolutely and perpetually, in writing, that is, without any express or tacit limitations; so that the cleric is completely bound to the new diocese, as is prescribed by the Constitution "Speculatores" for acquiring domicile. 3° This incardination cannot be granted unless it is first established by a legitimate document that the cleric is a foreigner from his own diocese.

[*Latin ed. p. 51*]

51. From the Sacred Council it has been decreed that those dismissed [from the seminary] are to be permanently dismissed, and that, moreover, they shall receive from the dismissing Bishop, under seal, if it is necessary, appropriate testimonies concerning their birth, life, morals, and studies. 4° In this manner, those admitted [to the seminary] shall subsequently be promoted to the orders. However, no one should be hastily ordained; the Bishop must, in each case, consider whether, after all things have been considered, the admitted cleric is such that he can safely be ordained without further trial, or whether, rather, it is more fitting to test him for a longer time. And let them remember that, just as "no one ought to be ordained who is not useful or necessary for his churches, according to the judgment of his Bishop," as is stated in chapter 16, session 23, concerning the reform of the Tridentinum; so likewise, no new cleric should be admitted, unless for the necessity or advantage of the diocese. 5° Concerning those clerics of diverse languages and nations, it is necessary that Bishops proceed more cautiously and strictly in admitting them, and that they receive none, unless they first request information from their respective Ordinary, and obtain a secret and favorable account of their life and morals; and

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this matter should weigh heavily on the consciences of the Bishops. 6° Finally, concerning laymen, or even concerning clerics who cannot or do not wish to make use of the benefits of cardinalship, they must adhere to the provisions of the constitution "Speculatores," which, notwithstanding the present decree, remain valid and firm. Having made a report on these matters to Our Holy Father through the undersigned Cardinal, Prefect of the Sacred Congregation, His Holiness has deigned to approve and confirm this resolution, with all contrary things being of no effect. Given in Rome, from the offices of the Sacred Congregation, on the 20th of July, 1898. A. L. CARD. DI PIETRO, Prefect. * S. B. ARCHIEPISCOPUS NAZIANZENUS, Pro-Secretary.

[*Latin ed. p. 52*]

FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION: A QUESTION regarding whether a Bishop can grant a dispensation in articulo mortis concerning the impediment of mixed religion.

Most Reverend Father, the Bishop of N., prostrate at the feet of Your Holiness, humbly explains that, with the venerable Letters of February 20, 1888, from the Holy Office, the faculty was granted to Ordinaries to grant dispensations, in the hour of death, concerning impediments, whatever they may be, which impede marriage according to ecclesiastical law, except for the sacred order of the priesthood and affinity in the direct line stemming from a licit marriage (1).

Now, in my Diocese, there are not a few Protestants, and some of these are already living, or could live, in concubinage with Catholic persons. Therefore, respectfully, I ask if, with the aforementioned Letters, the faculty is also intended to grant a dispensation concerning the impediment of mixed religion.

If this is not considered to be included, I implore Your Holiness to grant me such a faculty, that is, to grant a dispensation from the impediment of mixed religion to those living in concubinage, in the hour of death, when there is no time to appeal to the Holy See.

— So be it. Given this 18th day of March, 1891.

In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned requests were presented, and with the prior vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers ordered that a response be written:

To I: Negatively.

To II: To petition the Most Holy [Father] for the faculty to be granted to the Bishop for three years, with the usual clauses for mixed marriages.

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Furthermore, on the sixth day of the week, March 20th of the same year, during the customary audience granted by the Reverend Father, Assessor of the Holy Office, after the Most Holy Lord N. Leon, of Divine Providence, Pope XIII, had reported on all these matters, the Most Reverend Fathers approved the resolution and benignly granted the requested faculty.

I. Canon Mancini, Secretary of the Sacred Roman and Universal Inquisition.

(1) These Letters were cited in Volume XX, page 543.

[*Latin ed. p. 53*]

FROM THE SACRED CONGREGATION OF THE INQUISITION, 53. A QUESTION arises concerning whether and in what manner Bishops can grant dispensations in articulo mortis [at the point of death] regarding impediments of mixed religion and disparity of cult.

Most Blessed Father, Referring to the faculties granted to Bishops by the Holy See (which can also be delegated to parish priests) to grant dispensations in articulo mortis from many matrimonial impediments, the Bishop N. N., prostrate before the Holy See, earnestly requests a most benign declaration concerning the impediments of mixed religion and disparity of cult, whether in these cases, also in articulo mortis, it is possible to grant a dispensation only if: a) both parties promise to raise all their children in the Catholic religion; and indeed b) not only the children who may be conceived in the future, but also those already conceived (in concubinage or civil marriage), to the extent that these parents are still dependent on them; and unless also c) the Catholic party (even if only privately) promises that, as far as possible, it will endeavor to promote the conversion of the non-Catholic party. — And God, etc. Thursday, March 18, 1891. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned requests were presented, and with the vote of the Most Reverend Consultors having been heard, the same Most Eminent Fathers ordered that a response be written: Even in articulo mortis, precautions must be required, and disparity of cult, as an impediment, is included; mixed religion, however, is not included as an impediment. On Friday, March 20 of the same year, during the customary audience granted to the Reverend Father Assessor S. O., the Most Holy resolution of the Fathers was approved by His Holiness, Pope Leo XIII.

I. CAN. MANCINI, Secretary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 54*]

54 FROM THE SACRED CONGREGATION FOR MARRIAGES Celebrated by Infidels, with the Intention of Dissolving Them. Most Eminent Prince, A response was given to the Most Reverend Bishop of Sioux, who

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had inquired as follows: "The Bishop of Sioux reports, having prostrated himself before Your Holiness, that among the Indians of this region, it is customary to test the qualities of their wives, namely, whether they are good and prudent, or not, and to dismiss them if they are foolish and improper. From this custom, two doubts arise which must be resolved by Your Holiness. The Bishop implores a solution. "I. Can these Indians be admitted to the faith if they swear an oath, affirming that they have never contracted an indissoluble bond of marriage with their previous wives, and are permitted to unite themselves with another according to the laws of the Holy Mother Church, as they now desire? "II. Can these pagans, having dismissed their previous wives who are still living, take the woman with whom they now live, provided that she wishes to be baptized and to contract marriage in the manner of Christians?" On Thursday, May 18, 1892: In the General Congregation of the Sacred Roman and Universal Inquisition, the aforementioned matter was presented, and after the vote of the Most Reverend Consultors, the Most Eminent Cardinals, General Inquisitors in matters of faith and morals, decreed that the following should be written: "Regarding I. Affirmative, if it concerns infidels, after a diligent examination of all circumstances regarding their credibility, and if there is no doubt or slight suspicion about the truth of their assertion. — Negative, if it concerns the faithful, but legitimate proof is required. "Regarding II. If, after a diligent examination, the marriage with the first wife, who has already been baptized, is found to be valid, they are entirely obligated to return to her. If, however, she has not been baptized, according to article II of canon 1, it will be sufficient to question her, whether she wishes to convert. If she does not wish to convert, or if she seriously doubts the validity of the marriage with the first wife, they will be able to take any baptized woman, with the renewed consent of both parties. "On the following day, May 19, after the hearing given to the Most Reverend Assessor of the Sacred Congregation, His Holiness Pope Leo XIII, by divine providence, deigned to approve the resolution of the Most Reverend Fathers."

[*Latin ed. p. 55*]

From the Sacred Congregation 55: The Bishop of Sioux City further inquires, referring to the first question to which the Sacred Congregation responded: "Affirmatively, if it concerns infidels, etc.; negatively, if it concerns the faithful, but legitimate proof is required." Now, the question is posed regarding this present case: Two Indian infidels were baptized by an Anglican minister without any instruction regarding the Christian marriage. Thus, these two baptized individuals, a man and a woman, remain in the primitive pagan notion of marriage, that is, they believe, or have never believed, that they have contracted a marriage that is an indissoluble bond with their previous spouses, and it is permitted for them to unite according

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to the laws of the Holy Church. Now, the Indian man, who contracted such a marriage with a primitive Indian woman according to the pagan notion, is converted to the Catholic faith, and although they were baptized by the Anglican minister and entered into marriage before him; nevertheless, since they entered into marriage without any prior instruction regarding Christian marriage, but entirely according to the primitive pagan notion, and since the Indian man, who is converted to the Catholic faith, requests that the marriage be dissolved on account of the adultery of the woman, the question is asked whether the response applies to this case. On Thursday, May 25, 1898, in the General Congregation of the Sacred Roman and Universal Inquisition, before the Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned requests were presented, and with the vote of the Reverend Consultors, the same Most Eminent and Reverend Fathers ordered that the following be written: The first part of the resolution of the Sacred Office of May 18, 1893, pertains to those who contracted marriage while in infidelity, and therefore cannot be applied to those who contracted marriage after receiving baptism, as in this case. Therefore, it remains for the Bishop to diligently inquire whether their marriage is invalid due to some other impediment; or whether the Indian himself legitimately proves that he had, in contracting the marriage, an explicit will of repudiation in the case of adultery, which was externally manifested (1). (t) Furthermore, this Instruction, which we refer to in the note, individually indicates that the antecedent will regarding the dissolubility of marriage must be proven through external proofs, so that the marriage may be declared null. From the Instruction of the Sacred Congregation, Sacred Office, 1877 – (To the Bishop of Nesquallien.) – ... Regarding marriages contracted before ministers of the same Methodist sect, reference is made to...

[*Latin ed. p. 56*]

56 FROM THE SACRED CONGREGATION. On the sixth day of the week, May 27th of that year, the Most Holy Lord N. Leo, Divine Providence, Pope XIII, through His Eminence, the Cardinal Secretary of the Holy Office, approved the resolution of the Fathers. I. C. MANCINI, Notary of the Sacred Roman and Universal Inquisition. These ministers do not consider marriage to be a Sacrament, nor do they recognize the perpetuity and indissolubility of the matrimonial bond; and they publicly preach this doctrine, so that, both these ministers themselves and those who come to them, consider the marriage contract to be a matter of no importance, and therefore they act with the utmost negligence, making no inquiry into the status of the persons they join in marriage; and often they even join together persons who are already bound by a bond to other persons. Because of this manner of acting, it has arisen among the neophytes of this diocese a common belief that marriages contracted with such ministers are not perpetual and

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indissoluble; indeed, it is said that some missionaries have come to believe that more people present themselves to these same ministers to contract marriage, not for any other reason, but because they believe that in this way they can avoid the perpetuity of the bond they are entering into. From these facts, it is strongly to be doubted whether these marriages are valid, and therefore, they are presented for examination to the Sacred Congregation: Whether in the case of any marriages celebrated by these heretics, any practical validity can be held. In order that Your Eminence may proceed safely in this very serious matter, it is first of all necessary to have before you the following general principles, from which you will be able to easily derive a certain rule for particular cases. And 1. It must be firmly held that true and valid marriages can exist among heretics, provided that no impediment is interposed that would invalidate them. Even Benedict XIV, on the fifth day of the week, April 13, 1732, clearly taught this with the following words: "There is no longer any reason to question the validity of marriages among heretics, because, according to the common opinion of theologians, the marriages of heretics, after baptism, in which both spouses are united as if at the root of Christianity; and for this reason, a heretic who embraces the Catholic religion cannot take another wife while the first is still living." The same was confirmed by Pius VII in his most famous Brief to the Archbishop of Moguntinum, which begins with the words "Etsi Fraternitatis Tuae," whether when he ordered that matrimonial causes pertaining to heretics should be judged according to canonical sanctions, or when he taught that the matrimonial bond is entirely perpetual and indissoluble even among heretics. 2. Immediately and necessarily follows from this that the principle is applicable to the marriages of heretics, which is also suitable for the marriages of infidels, namely: that in case of doubt, one must stand for the validity of the marriage; especially when it is certain that the marriage was contracted. Indeed, even if this were not certain, but the marriage showed evidence of its existence, which is verified when the spouses, in good faith, believe that they are living in a true and legitimate marriage, and others do not suffer any scandal from this union, because they believe it to be legitimate, even in this case, the aforementioned principle would apply, and it would not be permissible to depart from it. This has often been taught and emphasized by the Sacred Congregation, especially in the Instruction to the Apostolic Vicar of Central Oceania, issued by Decree on the fourth day of the week, December 18, 1872.

[*Latin ed. p. 57*]

57 FROM THE SACRED CONGREGATION: A question is raised as to whether a dispensation regarding impediments to marriage can be delegated to coadjutors of parishes, especially in cases of imminent death. Thursday, May 25, 1898. In the report on the status of the churches of Colocen and Bacsien, item 3. Although it is certain that, according to Canon

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1075, "De Condition," a condition contrary to the perpetuity and indissolubility of the conjugal bond renders the marriage entirely null and void, it must be the case that such a condition has been in some way agreed upon by the contracting parties. Indeed, Benedict XIV taught this matter as follows: "It must be believed that heretics intended to enter into a valid marriage, according to the law of Christ, and therefore it cannot be dissolved for the cause of adultery. For a private error can neither outweigh nor prejudice the general will, which we have said is the basis for the validity and perpetuity of the marriage." (De Synod. Dioeces. 1. 13. C. 22. n. 3.) This is also stated by Pius VII in the aforementioned Brief to the Archbishop of Moguntinum: after mentioning the causes for which the marriages of heretics can be declared null and void, he adds: "or because of conditions which can still be considered among the impediments, and which are agreed upon by the spouses and are contrary to the essence of the marriage, as many affirm are commonly inserted in the marriages of Calvinists." The Sacred Congregation has always and consistently followed this doctrine, whenever it has had to examine whether marriages contracted by heretics, either among themselves or between one heretic and one Catholic, should be considered valid, as can be seen in Benedict XIV, who reports such resolutions on several occasions (De Synod. Dioeces. 1. 13. c. 22. n. 8.), as well as in the Instruction for the Apostolic Vicar of Oceania, in which these words are found: "Although it cannot be doubted that a valid marriage can be contracted with a mere error concerning its indissolubility, because in that case the general will to enter into a marriage according to the institution of Christ prevails, and that general will somehow absorbs the private error; nevertheless, when a formula is used with an explicit or implicit condition, it cannot be the case that the particular error remains absorbed by the general will to enter into a marriage according to the institution of Christ." From the principles stated above, Your Eminence will easily understand that it is not possible to establish, based on presumptions, however serious, certain general criteria by which one could judge, in any doubt concerning the validity of marriages contracted before heretics, whether these marriages are null and void: but, according to the intention and practice of this Apostolic See, it is necessary to carefully and prudently examine and consider each case individually, and to judge only according to the legitimate deductions resulting from such an examination. And since, as you report, doubts about the validity of such marriages arise from three points, namely: 1. Because the ministers of these heretics do not usually inquire about the existence of impediments between the persons who wish to marry before them.

[*Latin ed. p. 58*]

58 FROM THE HOLY SACRED INQUISITION, to the Most Holy Congregation of the Council, on the 26th of May, 1897, the following is

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found: "Since, frequently, due to the multitude of parishes, the following matters arise: 1. Because it is considered doubtful whether the baptism administered by such ministers is valid; hence, the doubt arises as to whether marriages between a Catholic and a heretic can be valid. 2. Finally, because it is presumed that those contracting marriage before such ministers do not intend to consent to a permanent and indissoluble bond: therefore, it is clear that, according to the diversity of cases, investigations must be carried out, either concerning the individual matters mentioned, or concerning that particular matter from which a special reason for doubt arises. Firstly, therefore, according to the rules known to Your Eminence, it will be necessary to inquire into the status and condition of the persons who, in heresy or before heretics, contracted marriage, in order to determine whether any impediment existed among them that would render their marriage null and void. In particular, it must be inquired whether those who contracted marriage before a heretical minister were bound by another bond contracted in infidelity. Furthermore, for this examination, and for the judgment to be rendered in this case, Your Eminence must have before you the resolutions and instructions already issued by this Holy Congregation, especially those given to the Apostolic Vicar of Oceania Meridionalis in the year 1836, and to the Apostolic Vicar of Oceania Centralis in the year 1872, which should be considered together. Regarding the second point, from which doubts also arise, the resolution of this Holy Congregation, issued on Thursday, the 19th of November, 1830, must be considered, which reads as follows: "Regarding the proposed doubt: Whether Calvinists and Lutherans living in those parts (of Gaul), whose baptism is doubtful and suspect, should be considered infidels, so that a difference of cult should be considered an impediment between them and Catholics? It was answered: Regarding heretics whose sects prescribe the conferring of baptism without the necessary use of the essential matter and form, the particular case must be examined. Regarding others, who, according to their rites, validly baptize, the baptism is to be considered valid; and if doubt persists even in the first case, the baptism is to be considered valid in order to the validity of the marriage. However, if it is certainly known that no baptism exists according to the actual custom of that sect, then the marriage is null." Firstly, therefore, it must be inquired about the baptism conferred and about its validity; and if nothing certain can be deduced from this investigation, and a prudent doubt, as mentioned above, persists, then, as valid in relation to marriage, it must be held, or the marriage contracted with such a doubt must be considered valid and legitimate. Regarding the final point of doubt, every diligence and skill must be used to investigate whether any condition contrary to the perpetuity and indissolubility of the conjugal bond has been, in any way, directly or indirectly, explicitly or implicitly, introduced into the agreement by the contracting parties, or whether the marriage has been

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contracted with a malicious intent not to consent to a permanent bond. To ascertain this, not only the words in which consent was expressed must be considered, but also the actions must be weighed, which may relate to the expression of that consent, or to the manner of its expression, which, if such actions have been taken, so that the usage and custom of those places interpret them as the aforementioned condition being implied, then..."

[*Latin ed. p. 59*]

From the Sacred Congregation, 59: Regarding the number of parishioners, and the provision for the infirm, which is usually carried out by the assistants of the parish priests, it is requested that the power to dispense, granted to the Ordinary of the place according to the letters of the Sacred and Universal Congregation dated February 20, 1888, not only be applied to the parish priests, but also to their assistants, lest it be presumed that they have not given their consent to a perpetual and entirely indissoluble contract. Similarly, the formulas used in these regions by heretics during the celebration of marriage must be considered and examined. For, in the heretical formulas, testimonies of the Holy Scriptures are sometimes found, which these heretics misuse to defend and promote their error concerning the dissolubility of the conjugal bond; such as that found in Saint Matthew 19:9: "But I say to you, that whosoever shall put away his wife, excepting the cause of fornication, maketh her to commit adultery: and he that shall marry her that is put away, committeth adultery," and that in the same Evangelist, 5:32: "But I say to you, that whosoever shall put away his wife, except for fornication, doth commit adultery." These are sometimes considered to contain a condition that renders the marriage invalid. This will become even more evident if, in the aforementioned formulas, after the expressed consent, but with the same rite, a vow of fidelity is required from the contracting parties, with the condition that the other party shall remain faithful; for, considering the error which the heretics profess, the term "fidelity" cannot refer to anything other than permanence in the contract. Furthermore, since defects that invalidate the marriage can arise from prayers, or exhortations, which are sometimes offered beforehand, or from mutual promises of the contracting parties, attention must also be paid to such ceremonies; for the formula of the vow, and mutual promises, can often be equivalent to a pact, the violation of which would lead to the cessation of rights and obligations between the spouses, and consequently, to the dissolution of the marriage bond. It is also necessary to carefully consider the customs and practices prevailing in these regions among heretics with regard to their marriages. Although it is a common practice among these heretics, as you assert, to dissolve marriages for adultery, or for other reasons of even lesser importance, this does not prevent a marriage from being contracted in a legitimate manner during the celebration, nor does it prevent the will from being present to

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consent to a perpetual and indissoluble bond; however, it is possible that there is a common and almost universal belief that the marriage contract is only temporary and conditional, and that it is not otherwise contracted unless under this condition; hence, a careful consideration of the customs and practices of the region can provide much light in ascertaining the true intention of the contracting parties. From all of these things, and also from the circumstances, whether of place or of persons, it will not be entirely difficult, especially for those present, to determine the intention of the contracting parties when they concluded the marriage contract, and gave their consent. "Therefore, in each case, careful investigations should be made: whether any condition contrary to the essence of marriage has been expressly included in the agreement between the contracting parties; or whether, at least, there are indications, arguments, and presumptions, also taking into account the customs of the region, that they entered into the marriage with the intention, especially in the presence of a minister, that it should be dissolved, according to the practice of the Protestants, so that they might pass on to other vows. From all of these things, it should be determined that the intention of the contracting parties is to enter into marriage only conditionally."

[*Latin ed. p. 60*]

60. "It can be delegated in a general manner to the officials of the Holy Office and to confessors approved by it." Once this request has been transmitted to the Most Holy and Universal Sacred Congregation of the Inquisition, in a General Congregation held by the Most Eminent and Reverend Lords Cardinals, General Inquisitors, with the aforementioned requests presented, and with the vote of the Most Reverend Lords Consultors, the same Most Eminent and Reverend Lords decree: "In the city of Breslau, on the fourth day of February, in the year 1892, that is to say: It is to be requested of the Most Holy [authority] for the discretionary power of the Bishop, for suitable priests in the more remote places of the Diocese, provided that there is a lack of time to appeal to the Ordinary or the Parish Priest, and there is danger in the delay, for a period of five years. On the sixth day of the same month, the 27th, the Most Holy [authority], through the powers granted to the Most Reverend Cardinal, Secretary of the Holy Roman and Universal Inquisition, benignly granted the favor."

I. CAN. MANCINI, Holy Roman and Universal Inquisition, Notary. DOUBT concerning physical contact in the third imposition of hands in the ordination to the priesthood.

Most Blessed Father, the Bishop N. N., humbly prostrates himself before Your Holiness, and explains that, in the ordination of a certain presbyter, when the words "Receive the Holy Spirit, whose sins you remit, etc." were spoken, the celebrant, because of a scab that infected the head of the one being ordained, involuntarily removed his hand, so that no physical contact

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was given. It appears to the celebrant that he did indeed touch the head of the one being ordained, at the beginning of the recitation of the formula, although he is not entirely certain of this. Therefore, the question is asked:

I. Can the celebrant be reassured?

II. And, if not, what must be done?

On the fourth day, June 8, 1898. In a General Congregation of the Holy Roman and Universal Inquisition, held by the Most Eminent and Reverend Lords Cardinals, General Inquisitors in matters of faith and morals, with the aforementioned requests presented.

[*Latin ed. p. 61*]

From the Sacred Congregation, 61 decrees, and with the prior approval of the Most Reverend Consultors, the aforementioned Fathers ordered that: The petitioner be heard. On Thursday, the 10th day of the same month and year, during the customary audience granted to the Most Reverend Father Assessor of the Sacred Order, a report on all these matters was presented to the Most Holy Lord Pope Leo XIII. The Most Holy Father approved the resolution of the Fathers. I, Father Mancinis, Priest, and I, Notary. FROM THE SACRED CONGREGATION FOR RITES, VICARIATE APOSTOLIC OF SECIUENSIS, WESTERN. The custom of using amices, albs, etc., made from a certain fabric commonly called "Hia-pou," is approved. The Most Reverend Julian Maria Dunard, titular Bishop of Calaen, and Apostolic Vicar of Se-Ciuensis, Western, humbly presented to the Most Holy Lord Pope Leo XIII, that in his Vicariate, amices, albs, altar cloths, and also copes and other liturgical fabrics, are customarily made from a certain fabric commonly called "Hia-pou." Although, due to the poverty of the missionaries and the lack of linen fabric, the Apostolic See has sometimes granted permission for the use of fabrics made of cotton or other materials for sacred vestments, the use of the aforementioned "Hia-pou" fabric has nevertheless increased. This fabric, which comes from a plant known to experts in natural history as *Urtica nivea* and called "Ho-ma" in the Chinese language, and which belongs to the linen family, is used. Therefore, the same Reverend petitioner humbly requested that the Most Holy Lord Pope grant permission for the legitimate continuation of the use of this aforementioned fabric, of which he submitted a sample, for sacred vestments, in his Apostolic Vicariate. Furthermore, His Holiness, referring to the aforementioned Cardinal Prefect of the Sacred Congregation for Rites, and after hearing the opinion of the liturgical commission, and considering the particular circumstances presented in the attached documents, and these remaining valid, granted a special dispensation with benevolent prayers, deciding on the law and the use of linen fabric in the case and for the purpose for which it is intended,

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and approving the aforementioned custom.

[*Latin ed. p. 62*]

62. Concerning the observance of the rites, the Apostolic Vicariate, having considered the matter, approves and permits it for the future, with the aforementioned conditions to be observed henceforth. All contrary decrees notwithstanding. June 27, 1898. C. CARD. S. MAZZELLA, Bishop of Praenestinus, Prefect. L. >$¡ S. DIOMEDES PANICI, S. R. C., Secretary. BASILEEN and LUGANEN. The question is raised whether the custom of carrying images of the Blessed Virgin or of Saints in processions with the Most Holy Eucharist can continue. The Most Reverend Leonard Haas, Bishop of Basileensis and Luganensis, has presented a request to the Sacred Congregation of Rites, stating as follows: In certain places within the dioceses of Basileensis and Luganensis, there exists an ancient custom, dating back centuries, of carrying statues or relics of Saints in liturgical processions, especially on the feast of the Most Holy Body and Blood of Christ, in order to enhance the solemnity. Since this custom does not conform to the Roman rite, and is indeed prohibited by a special decree of the Sacred Congregation of Rites of June 17, 1684, the aforementioned Bishop, on June 12 of the current year, issued the following instruction to the clergy of his diocese: "Let the Reverend Parish Priests remember that it is prohibited (Sacred Congregation of Rites, June 17, 1684) to carry instruments of the Passion of the Lord, or relics, or statues of Saints in processions of the Most Holy Sacrament, because all devotion in those places should be directed towards the Venerable Sacrament." However, since some parish priests, and especially the Chapter of the Collegiate Church of Saint Leodegar in Lucerne, have requested that the ancient custom be continued, at least with an Apostolic dispensation, the same Bishop, having considered these requests, has sought a solution to the following question from the aforementioned Sacred Congregation: Whether, on the feast of the Most Holy Body and Blood of Christ and its Octave, when there is a procession with the Most Holy Eucharist, and in other liturgical processions, it is permissible to carry images of the Blessed Virgin and of Saints? And the aforementioned Sacred Congregation, after considering the report of the Secretary, and after hearing the opinion of the liturgical commission, and after careful deliberation, decided that the proposed question should be answered as follows: The decrees must be observed.

[*Latin ed. p. 63*]

FROM the Sacred Rites, specifically in one document from Venice, June 17, 1684 (1), and in another from Almerien, January 31, 1896. And thus it was decreed, on July 1, 1898 (2).

C. CARD. MAZZELLA, S. R. C., Bishop of Palestrina, Prefect.

L. © S. DIOMEDES PANICI, S. R. C., Secretary.

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CONCERNING the Indulgences attached to pious objects which have touched the Holy Land.

Brother Minister General of the entire Order of Friars Minor, having proposed the following questions to be resolved concerning the Sacred Indulgences, wrote:

I. Whether, in the Decrees of the Holy See, which prescribe that indulgences enriched with graces should be entirely and freely given to the faithful, do pious objects which have touched the Holy Land, and which are distributed to the faithful by the Commissaries of the Holy Land, sometimes for a just price, and sometimes as an act of charity, fall under this provision? And if so,

II. Whether, 1°. it has been a long-standing practice among the Commissaries of the Holy Land to retain a certain deposit from the pious objects (1).

(1) For the benefit of the reader: VENICE. At the request of the Parish Priests and other ecclesiastical persons of Venice, it was requested of the Sacred Rites to declare:

1. Whether it is permissible to carry, in the solemn procession of the Most Holy Sacrament of the Eucharist, both on the feast of Corpus Christi and during the week of the Passion, instruments of the Most Holy Passion of our Savior Jesus Christ, namely, a fragment of the Most Holy Cross, or a thorn? And this, although it is expressly not prohibited by Gavanto, number 35, which only states: "in such a case, the relics of the Saints are not omitted."

2. What prayers should be recited, and what Mass should be celebrated, in private, and in solemn chant, on the day of Saint Ursula Virgin and Martyr, October 21, at the altar dedicated to the same Virgin and Martyr, where ten of the heads of her companions are kept and displayed? Since it is not clearly and explicitly decreed by the blessed and revered Pope Pius V, nor in Gavanto.

And the Sacred Rites responded:

Regarding 1. "Negatively."

Regarding 2. "The rubrics should be observed."

And thus it was declared.

On June 17, 1684.

(2) ALMERIEN. See Volume XXVIII, page 503.

[*Latin ed. p. 64*]

64 FROM the Sacred Congregation for Indulgences, concerning those objects which have touched the Holy Places of the Holy Land and which are to be given to the faithful who follow that devotion with great zeal; and 2.° that these objects cannot, for the aforementioned reasons, be freely given away, because of the numerous expenses incurred for their purchase

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and removal; and 3.° that, if many were to be lost, they would be equally necessary for the custody and preservation of the Holy Places; it is asked whether it would be expedient for the highest authority of the Apostolic See to declare that these pious objects, which are distributed to the aforementioned Commissaries, are not included in the aforementioned Decrees?

III. Finally, if the aforementioned objects lack Indulgences because of their donation and transmission to other persons, can these Indulgences of the Holy Places be again applied by priests empowered to apply Apostolic Indulgences to these pious objects?

And the Most Eminent Fathers, assembled in a general Congregation at the Vatican, responded to the proposed doubts in writing. To the first question: Affirmative, that is, they are included. To the second question: Negative. To the third question: It is not expedient. After a report was made to Our Most Holy Father Leo XIII in an audience held on May 26, 1898, by the Most Eminent Cardinal Prefect, the same Holiness ratified and confirmed the answers of the Most Eminent Fathers.

Given in Rome, from the Secretariat of the same Sacred Congregation, on the day and year as above.

[Signatures]

Fr. HIERONYMUS M. CARD. GOTTI, Prefect.

L. S. f A. ARCHIEP. ANTINOEN., Secretary.

[*Latin ed. p. 65*]

65 FROM THE HOLY CONGREGATION OF THE COUNCIL ~*»~ REGARDING A DISPENSATION FOR THE CHURCH OF SAINT MARTIN IN MONTE PANNONIAE, dated February 26, 1898. Session 24, chapter 5, concerning marriages. Michael, a farmer, from the parish of Saint Catherine in Lazi, belonging to the archabbey of Saint Martin, having been widowed after the death of his first wife, and having received an apostolic dispensation, on June 29th of the year 1895, married his niece, Elizabeth, from the parish in Kisber, in the diocese of Jaurinensis, who was the daughter of his brother. After the marriage ceremony, Michael took his wife home with him on the same day. On the first night, the spouses used the same bed; but the wife, being urged by her husband to consummate the marriage, refused and left the bedroom. It is not entirely clear from the records why the wife denied her marital duty to her husband; however, she confessed that she married Michael unwillingly, having been compelled by her parents. Consequently, three days after the wedding, the wife left the marital home, and did not return. Given these circumstances, the husband, after unsuccessfully attempting to reconcile with his wife, petitioned for a civil divorce, which he obtained; and afterwards, he requested that the Most Holy Congregation would deign to grant a dispensation concerning the marriage that had been validly contracted but not consummated with Eliz-

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abeth Grobb. After a tribunal was established, the spouses were questioned by the judge, and witnesses of both parties were examined. The wife was subjected to an examination by two midwives, who found her to be a virgin. Therefore, after all of this had been completed, the records were sent to the Holy Congregation, along with the report of the judge's delegate, who strongly recommended the petitioner's request, and affirmed that it was sufficiently clear to him that the marriage had not been consummated, and that there were sufficient reasons for granting a dispensation. SUMMARY OF THE FACTS. Records, Volume XXXI, page CCCLXII, 5.

[*Latin ed. p. 66*]

66. In the matter of S. Martini in Monte Pannoniae, a concise examination of the merits of the case, I would not hesitate to adhere to the conclusions of the Ordinary, given the arguments which I submit to the wise judgment of the Reverend Fathers. The conclusions of the Ordinary were that there was a lack of consummation of the marriage, and that there were sufficient reasons for a dispensation. And concerning the marriage in question, the lack of consummation is evident, first, from the sworn testimonies of both spouses. Indeed, Michael, who is the plaintiff, was questioned as follows: a) Whether he had lived with his wife after the marriage, he replied: "For two days she was with me. On the third day, after supper, she left the bedroom and did not return... Because then there was a flash of lightning and thunder, and it was already dark, I could not go out to look for her. No one in our village could tell me where she had gone, nor could anyone tell me the next day where she had gone. I went to her parents' house about seven or eight times, but I never found her. Her parents said that they did not know where their daughter was..." ; b) Whether, at the time he lived with his wife, he lived with her as his wife, whether he slept with her in the same bed, whether there was carnal intercourse, and whether there was copulation, he replied: "I did not live with her as my wife. We were in the same bed, but she left it; there was no carnal intercourse... because she immediately left the bed when I wanted this. I wanted to do this, and I told her so, I even embraced her for this purpose, but I did not touch her, lest I offend her, but she then immediately left me and lay down in a chest. Both nights I wanted to have intercourse with her, but she got out of bed both times... Because my wife was in the same room, I did not want to press the matter, lest she notice..." His relatives later told him that his wife had left him because he had demanded something from her that she did not owe him; they told him that he should not have demanded this so soon. c) Whether, after his wife left, he met with her again, and how often, he replied: "I have never met with her again, except for one occasion, when, four months ago, I was at the parish of Kisberien, and before that, I had

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inquired about the VOW OF A CANONIST."

[*Latin ed. p. 67*]

In the Territory of Saint Martin in Pannonia, she was asked, "Do you wish to return to me, or do you wish for a separation?" She replied that she wished for a separation."

Elizabeth was questioned about the time she spent with her husband after the marriage, and she responded: "I was with him for two days, or rather, from the evening of the second day of the week until I arrived with him in Lazi. I was there on the third and fourth days of the week, and on the evening of the fifth day, I departed. Therefore, I deserted him because I did not love him." From Lazi, she went to her parents in Hanta. She told her mother, "My husband does not love me, and that is why I have deserted him." Her mother responded, "I knew that this would happen."

She was asked whether she had "lived with her husband as a wife, or whether she had slept with him in the same bed, or whether there had been carnal intercourse, or whether she knew what the principal purpose of marriage is and how generation occurs, or whether she had told her husband why she denied him the consummation of the marriage"; she responded: "a) I did not live with him as a wife. When I lay down, he came to me, but I told him to go away, and he left. b) I did not know this purpose of marriage, and I thought that it would be the same in marriage as it was before; nor did I know how generation occurs. I also did not know what my husband wanted when he came to my bed, and therefore I simply sent him away, because I did not want to see him. c) I told him that I had not been with anyone in this way, and that I would not be in the future."

She was questioned about her husband's attempts, and she responded: "On the first night, which was between the second and third days of the week, he came to my bed, but when I told him to leave, he left. On other occasions, he did not do so. On the following night, I lay in a chest, and my husband came to me, he held my hand, but I told him to leave, and he left. On the third night, I slept in the chest again, but then my husband did not come to me."

She was asked: "In other respects, how did your stay in her husband's house proceed? Was there peace between you? Were you with him during the day? About what did you speak? " She responded: "We were not angry with each other; once he was angry when he told me to hurry with dinner... During the day, apart from the time for meals, I was not with him, because Michael was working in the fields. We did not speak to each other. Nor did I speak with the maid."

[*Latin ed. p. 68*]

68. "No one from S. Martini in Monte Pannoniae has spoken to me about the matters she discussed while living in the same dwelling." To the ques-

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tion: "How many times have you met with your husband after the separation, about which you spoke? Did your husband call you to return? How many times? Do others know about this?" She replied: "I met with him once in Kisber, in the month of May of this year, in the presence of the parish priest of Kisber. The parish priest asked me: 'Do you love your husband?' I replied: 'I do not love him,' and I said that I desired a separation. On no other occasion have I spoken with my husband. My husband did not tell me to return, but my father-in-law's wife requested this, and I heard that my husband had been at my father-in-law's house several times, and also at my parents' house, and once he was there with a very angry demeanor. I informed him that I did not wish to return. My father-in-law and his wife, and my mother, are aware of these things."

Indeed, these things, which Michael and Elizabeth affirm under oath regarding the lack of consummation of the marriage, do not allow us to doubt, given the abundant and weighty testimony on this matter, namely, the testimony of the General Vicar acting as judge, of witnesses from both sides, and of other witnesses summoned by office. The delegated judge states in his report on the proceedings: "It is certain that the marriage was never consummated. To affirm this, besides the faith of the sacrament, the very candor of their behavior and the unblemished sincerity of both the man and the woman, and their entire outward demeanor, lead me to believe this." And concerning the man specifically, he says: "I commend the husband's petition, his orthodox faith, and his prompt obedience to the Church, which make him most worthy to stand before the judgment of Your Eminence... I could also mention the integrity of his life and the virtuous conduct with which the man is endowed; for he is truly an honest man, pure of wickedness." Maurus Ross, the parish priest of Lazi, testifies about the same Michael: "I have always known him as a man of good morals, peaceful, and truthful." And concerning the wife, the parish priest of Kisber says: "I do not know Elizabeth's character from my own experience, but I have heard all good things about her."

[*Latin ed. p. 69*]

In the Territory of St. Martin in Monte Pannoniae, there followed seven witnesses on the part of the bridegroom, and as many on the part of the bride, and others sworn, all of whom were relatives and neighbors, all Roman Catholics, with the exception of one servant of the Cal wine estate, whose "credibility" the Judge asserts in the aforementioned report, without objection from the defender of the marriage; and furthermore, the very condition of these witnesses, namely that they are rural inhabitants, suggests that they are not accustomed to fraud. Indeed, these witnesses, after having heard what the spouses had testified, were questioned individually and separately: "Do you believe that the person to whom you are giving testimony is of good morals, honest, and pious, so that you

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can swear that she is not a liar, and that her testimony can be trusted?" They all responded in agreement: "I believe it, and I testify." Furthermore, these same witnesses testified in favor of the non-consummation of the marriage, both negatively and positively. When the judge inquired whether they had heard the spouses "living as husband and wife, becoming one flesh, etc.," they all with one voice confessed that they had heard nothing of this; and several of them added that they knew that the marriage had not been consummated. Thus, for example, Michaelis, the niece, a witness, so to speak, by sight, because she was with the spouses at night in the same room, and during the day at home and in the field, said: "I dare to say that these two did not live together as husband and wife. On the first night, we did not lie together, and on the second night... there was no opportunity for that." And Elizabeth, the mother, said: "There was no marital union between them; both the daughter and her husband told me this, and indeed, immediately after they met with me after the separation. On the eve of the feast of St. V, the daughter fled and has not returned to her husband since." The same was testified by the father of the girl. The wife of John Toth said: "I heard that a woman prevented the union." And the wife of John Vida said: "The mother of Elizabeth told me, after Elizabeth's departure, that these two had not lived together as husband and wife." Maurus Ross, the parish priest, said: "As for the marital debt, (Michael) did not tell me that he had attempted it, but I understood from him, or from others, that there had been no opportunity for it, because at that time he was always sleeping outside the bedroom. However, I..."

[*Latin ed. p. 70*]

70. "Concerning the particular circumstances of the case of S. Martini in Monte Pannoniae, I have not presented them to him, but I believe that an answer has been given to me, which can be reconciled with the answers given by him to the Sacred Congregation." To this, the seventh witness unanimously affirms, "that the woman, after leaving, did not return to the Pago of her husband, nor did she live with him any longer." Finally, these aforementioned testimonies demonstrate to us with certainty and adequacy that the marriage was not consummated; namely, the girl very reluctantly consented to this marriage, if not entirely under duress; for, on the one hand, her father vehemently urged it, while, on the other hand, Elizabeth strongly disliked Michael, as if he were a man of advanced age and who had three children. Furthermore, the girl had been passionately loved by a young man of honorable character; who had also requested her hand in marriage from her parents, but they, after having admitted him into their home for the sake of seeing the daughter, opposed this love, perhaps already thinking of a marriage with Michael, whom they said "had something." Moreover, the circumstances preceding, accompanying, and following the marriage abundantly demonstrate that Elizabeth entered

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into this marriage with a most averse mind and only under compulsion. How things were before the marriage, the girl herself reveals to us in this way: "I did not love Michael, and I did not marry him out of love, but out of necessity. My uncle and his wife, and even my father, forced me. My uncle because he was always urging the matter, and I always resisted, saying that I was poor, while Michael had something. He also promised me something from his inheritance if I became Michael's wife. My father, who had not been strict with me before, was very strict in this matter. He said that he would disinherit me if I did not obey. I replied: very well, then I will marry him; but I will not live with him. However, I was not threatened with beatings. Only my mother did not force me, indeed she said that she did not approve of this marriage, because Michael has three children. Everyone in the area knows about this, namely that I became Michael's wife only out of necessity: the wife of John Toth, Stephanus Susa... indeed, the whole Pago. Even my mother, who argued about this matter with my father... two weeks ago."

[*Latin ed. p. 71*]

In the Territory of Saint Martin in Pannonia, seventy-one days before the wedding, on Thursday in Lazi, at the house of Michael, Stephen Grobb demanded four hundred florins from Michael, as a dowry, in case he should die before I did. Michael refused to promise such a large sum, but he was so insistent that Michael finally agreed. I demanded six hundred florins, thinking that Michael would refuse this, and thus there would be nothing to come of the marriage. But my uncle said: "It will be as I wish." Then, without uttering a single word, we gave each other our hands, and this was the betrothal. I thought to myself: "I do not want to marry this man, but I must do this." Present were Stephen Grobb... and my father. There was also a brief reception, but I ate nothing, and indeed I wanted to flee, but they would not let me. I also expressed, in words, that I did not want Michael to be my husband." These accounts are corroborated by the mother of the girl, Joanna Franck, Stephen Susa, and Maria Harvàth, who further add that the girl had repeatedly and seriously said that she wanted to take her own life in order not to become the wife of Michael. The father of Elizabeth denies that he used any threats, but he says that his daughter "was always sullen in the presence of Michael, and did not say two words to him; during the betrothal, she was also sullen, and for most of the time was with the wife of Stephen Grobb, who was urging her to stay." On the day of the wedding, she refused to go to the ceremony; she went down into the garden where she wept bitterly; then she fled, and it was said that she wanted to throw herself into the millpond at that time; in the church, before the altar, she stood one step behind the groom, so that the priest had to tell her to come closer; upon returning home, she said to Catherine Grobb: "Oh my God! I had to become the wife of such a man!" During the reception, she left;

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she wandered through the fields; when the girls urged her to return home, she replied: "They will see me in the house again, or they will not." On the same day, while traveling with the group to the village of the groom, she said to Maria Nemeth: "Oh my God! Why have I become the wife of this old man?" And the next day, she was very sad and complained that she had been forced to go there, and that she would not "become accustomed to it" there. What happened afterwards, we already know. Finally, after the escape...

[*Latin ed. p. 72*]

72. To no one at S. Martini in Monte Pannonia did she say: "She would rather lose her life with her own hand than return to her husband." And to the parish priest, when he urged her to reconciliation, she said: "She did not want Michael to have either her body or her soul, and she would rather be thrown into a well than have him as her husband." Indeed, such aversion of spirit, beyond the suspicion that it introduces, arising from the necessary spontaneity of consent, as the cause of the matter sought, gives rise to the gravest presumption of lack of consent; and therefore, it adds greatly to the strength of the testimonies already given. But lest I seem to suppress what presents difficulty, I will not omit certain obscure words that occur in Michael's deposition. "I heard," he said, "that the inhabitants of Hanta told the inhabitants of Lazi that I could not be joined in marriage with a worse woman than this. And a certain young man in Hanta (whose name I do not know) said to me: if I had known my wife as he knew her, it would have been the case that I would not have accepted her as a wife. And the wife of this man said that her husband had been an admirer of my wife." Also, the inhabitants of Hanta said this: "it happened as it had been said before the marriage, namely, that they would enter into marriage and immediately separate." But these things are too vague, and I do not know what weight they have against the definite and sworn statements that we have already presented. Furthermore, it is not surprising that the flight of the girl, after three days from the marriage, an event not ordinary in these parts, has been interpreted in various ways and not favorably by all. But as for the veracity of Elizabeth, I believe that it is confirmed rather than weakened by these words. For if the rumor of the neighborhood already before the beginning of the marriage reported that the betrothed would immediately separate from each other; then it should be believed that Elizabeth did say to her husband that she would not remain with him, and that she never had intercourse with him. And the love to which those words allude, had nothing dishonest in it; and it is clear from the sworn statement of the girl. The defender of the marriage, having noted several inconsistencies in the

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records, and as an example, points out the following:

[*Latin ed. p. 73*]

"At the Territorial Abbey of Pannonhalma, 73. 'On the first night, according to the husband, the wife approaches the bed and then withdraws (refusing the marital duty); according to the wife, however, it is the husband who withdraws, repulsed. The wife further states that, after leaving the husband, she returned home, and only told this matter to her mother, to no one else, not even to her father, since he was not at home at that time...; the father, however, affirms under oath that he heard from his daughter that the marriage was not consummated, and that he heard this at the very time when she, on the third day after the marriage (contracted), had returned home.' I pass over the things that the parish priest Ross and the wife's aunt say about the consummation of the marriage."

Truly, as is evident, we are dealing with accidental circumstances, which require a certain indulgence for error or forgetfulness; all the more so, since they are reported by uneducated people after a considerable interval of time from the events. Therefore, discrepancies of this kind, if they truly exist, do not diminish the credibility of the witnesses, but rather increase the suspicion of collusion, since they agree in everything that is said. I say, if they truly exist; for I believe that most of what appears to be contradictory can be reconciled. Thus, for example, the husband says that, while he was requesting the marital act, the wife got out of bed; the wife says that she told him to go away, and that he did. But both can be true, for it is possible that the bride, after the husband's attempts, remained lying in the chest, and the husband, after being rejected by his wife, spent the night outside the bedroom. This is also what the words of the parish priest Ross and the aunt of the wife suggest, words that indicate the defender of the marriage bond. And the woman, who, having barely returned home, told only her mother, because her father was absent, could not the father, returning home late from the fields, have heard something from his daughter?

These things already seem sufficient to induce moral and legal certainty regarding the lack of consummation of the marriage; I say legal, because it is well known that in the Sacred Offices, cases of this kind are often resolved solely on the sworn testimony of the parties and witnesses (as in January 27, 1844, in Trieste, March 16, 1856, in Vienna, December 15, 1887, and in many other cases), which is in accordance with the law of the Decretals (Sánchez de matr., lib. IV, disp. 108, n. 6; De-Luca de matr., di-).

[*Latin ed. p. 74*]

74. The Territorial Abbey of *S. Martini in Monte Pannoniae*, session 7, number 7), and it considers the principles of fairness in cases where proof is lacking, as they say, through examination of the body. The Holy See has repeatedly valued this moral argument, so that even after an examina-

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tion, and if the examination reveals that the hymen of a woman has been severely torn, at least in part, a judgment may still be rendered in favor of her virginity. This is the case in Venice, May 28, 1860; Naples, August 18, 1866; and January 9, 1866, as found in the *Acta S. Sedis*, volume 17, page 358. However, in our case, the physical examination of the girl's body was not omitted; which, certainly, as I stated from the beginning, has some shortcomings, but let the appointed judge be heard on this matter: "Indeed, I acknowledge that some defects occurred in the proceedings, but it can be said that these were not committed by us, nor voluntarily admitted. Thus, there were only two midwives present, as prescribed by the Instruction of the Holy Congregation of August 22, 1840, because the third could not be present at the location, nor without great inconvenience, and indeed at considerable expense, for which the parties were unable to provide; a third midwife could have been summoned from the city of *Taurinensi*. Furthermore, I readily admit that the midwife Golubovics made a mistake when she performed the examination not with her eyes, but with her hands; however, we could not remedy this defect, because the woman could hardly have been brought in to undergo a new examination; but nor was there now a suitable and convenient time for this to be done again. I believe, however, that this defect should be attributed to circumstances, and that it was amply compensated for by the skill and conscientious examination of the other midwife, Molluar. I would also like to observe that the woman Elizabeth was not summoned for a new examination, for the purpose of further examination, because she, having already been summoned to attend the publication of the proceedings, did not appear. Two doctors and two midwives testify under a double oath that the signs of virginity were present in Elizabeth; I believe that these testimonies, and those sworn, are sufficient, since, according to the custom prevailing in the archiepiscopal court of *Parisiensi*, only two sworn doctors are usually required to do so, and in the present case, this was further confirmed by two midwives.

[*Latin ed. p. 75*]

"It is established that nothing of the matter of S. Martini in Monte Pannoniae has occurred." To these, I would add, according to instruction from the Sacred Office, without date, and another instruction from the same Congregation, dated June 20, 1883, that only two midwives are sufficient; indeed, according to this latter, even one "if it should be impossible or very difficult to find two." Otherwise, the Sacred Congregation is accustomed, after a preliminary examination of the facts, to admit proofs that are foreign to the proper form of law, even and indeed entirely extrajudicial, provided that they are suitable in their nature to prove the matter in question. Council of Trent, Session XXII, Decretum de probandis testimonibus, cap. 5. Ursaya gives the following reason for this: "When one does not appear before a judge to seek the dissolution of marriage through the course of law,

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but rather petitions the prince for a dispensation through the way of grace, that rigor of proofs which is required by law in the first case should not be present, but the prince can also be moved by extrajudicial demonstrations, both of the impotence of the man, as well as of the virginity of the woman." Urs. discipl. Eccl. v. III, p. II, disc. 22. Therefore, since the inspection in question does not lack the means of proving its matter, and since it seems almost impossible for the Ordinary to repeat it, I believe that a new inspection should be spared, also considering the spiritual good of the spouses, who are now awaiting a solution to this matter for the third year, not without a serious risk of incontinence. But truly, does the inspection, as it was carried out, prove the virginity of Elizabeth with absolute certainty? And if not to absolute certainty, because there are those who, from Zacchia and other authorities in legal medicine, gynecology, obstetrics, and physiology, believe that no certain signs of virginity are given, Sanguineti iur. eccl. priv. inst. p. 452, it undoubtedly reaches the highest degree of probability; and this probability, if added to the arguments of a moral nature mentioned above, will leave nothing lacking in the demonstration of the lack of marital relations. Therefore, the inspection, of which we speak, was carried out by two Roman Catholic midwives, of advanced age, married, educated, and approved at the University of Budapest, each of whom had been engaged in her profession for many years; each of whom had sometimes performed inspections concerning virginity; and

[*Latin ed. p. 76*]

76. In the Territory of Saint Martin in Monte Pannoniae, Catherine Brandl was examined, even by order of the royal judge. Two physicians were called to the matter, and both are said to be skilled in their art; indeed, they are qualified, for one is a district physician, and the other is a physician of the Sacred Congregation. Furthermore, in the examination, besides the aforementioned defects, everything was properly observed: a bath of pure and warm water, the presence of a midwife, instruction given by the obstetrician, the midwives' access to the woman, a sworn deposition regarding the findings, I say it all. Moreover, the outcome was that both midwives and both physicians were able to swear that they were certain of the woman's virginity. "My judgment is," said the midwife Juliana Marosi, "that she is a virgin. I am certain of this, because I have found everything in order that demonstrates it." And Catherine Brandl: "I am quite certain that this woman is a virgin. During the examination, I observed this." But what did they find? Plainly, all that is commonly considered a sign of virginity. Catherine Brandl, who examined her with her hands and eyes, and whom, above all, the Ordinary praises, and who was even summoned by the royal judge, found: the lips, both external and internal, intact; the hymen, certainly of a crescent shape, not circular, which is the more common form, but intact and without any scar; the entrance to the vagina narrow; the

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folds of the vagina intact; the nipples firm: "everything as it should be in a virgin girl." Juliana Morosi, who used only instruments, found the same signs; except that she speaks of the hymen in this way: "I did not find a membrane, but neither did I find a scar; but I found... a small membrane where the membrane is usually found. This membrane was not central, it did not occupy the entire area." But what else could this kind of membrane be, without a scar, not central, that is, not circular, except the crescent-shaped hymen found by the other midwife? And thus, one and the other physician interpreted the matter. Indeed, the aforementioned signs also convinced the physicians skilled in their art that the girl was completely a virgin. "According to the obstetrician's report," said Dr. Szepezhazy, "I can testify that all the signs of virginity were found in Elisabeth, that she had never been with a man."

[*Latin ed. p. 77*]

"No one of S. Martini in Monte Pannoniae has ever asserted that [the woman] had carnal intercourse, that she was not a virgin." However, Doctor Karika states: "According to accounts immediately received from midwives... conforming and describing the matter in every detail, I testify that, in the woman named Elizabeth, examined today by the aforementioned midwives according to the rules of the art, carnal intercourse can definitely be excluded, and therefore Elizabeth is a virgin." When questioned by the judge as to whether this meant that "this fact should be considered excluded, or can only be considered as such," he replied: "According to the accounts of the midwives, this fact must be considered excluded." Otherwise, it could not be judged. Therefore, to avoid burdening the Fathers with a tedious accumulation of citations, the case of Lucionen was cited, which, similar to this one, was granted a dispensation on May 25, 1895. Given that, along with the sworn testimonies of the parties, and the testimony of the judge's delegate, as well as the seventh witness regarding the veracity and honorable character of the betrothed, and considering all exceptions and circumstances that demonstrate an almost insurmountable aversion of the girl towards the man, and the testimony of four experts in the art regarding the virginity of the woman, under a double oath; considering all of these things, taken together and duly considered, I would not hesitate to safely assert that, in this case, the marriage was not consummated. Now, briefly explaining the reasons for the dispensation, I note that a special investigation on this matter was desired in the process; but this omission was abundantly compensated for by the testimonies regarding the lack of consummation and by the aforementioned report. And it is clear from the process records that 1. the girl's consent was, if not invalid, at least very imperfect; 2. the minds of the spouses were so estranged, especially due to the insurmountable aversion of the woman towards the man, that no reasonable hope of reconciliation existed; 3. both spouses were in danger of se-

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rious incontinence, namely Elizabeth due to her younger age; and Michael, because he desired new marriages, and because, as the judge stated, he had "experienced temptations not once from persons brought in for the purpose of procreation."

[*Latin ed. p. 78*]

78. OF THE TERRITORIAL ABBEY OF PANNONHALMA. Already, any one of these reasons suffices, according to the common opinion of Doctors, to grant a dispensation; De Iustis II, X, n. 21-34; Schmalzg. IV, XIX, n. 53 and following; Gasparri II, n. 1081. Finally, in addition to these reasons, there is the mutual consent of the spouses, expressed repeatedly and firmly, by which it is more easily granted a dispensation; Consc. de separ. tori III, II, n. 97; Sánchez I. Il, d. XVI; and the constant practice of the Sacred Congregation and the Sacred Office. In the year 1895, on June 29th, Michael, aged 42, a widower and father of three children, took Elizabeth, aged 21, as his wife, having obtained a dispensation from above, because she was related to him in the first and second degrees of collateral kinship, being the daughter of the brother of his deceased wife. But on the third day after the marriage, Elizabeth, after dinner, without greeting her husband, fled from the marital home. And the spouses are now in such a state that they claim that the wife has prevented them from consummating the marriage. Indeed, an examination was performed on the woman's body by midwives, but this examination is not absolute for the purposes of the law. For, with regard to this case, only two midwives examined the woman's body, and one, having performed the act, did not explore the vulva. Furthermore, as the most learned consultant rightly pointed out, neither of them submitted a written report. Moreover, the matter concerns an imperfect hymen. As for the testimony of the spouses, although it is supported by the oath, one must not trust it entirely. For human frailty is such that men often prefer their own advantages to the pursuit of truth. And this is what has happened in the present case. For example: Elizabeth, claiming that she married Michael under pressure from her father, swore boldly: "He (her father) said he would even disinherit me if I did not obey." Elizabeth's father also swore that he did not...

[*Latin ed. p. 79*]

In the monastery of S. Martini in Monte Pannoniae, 79, a certain person boldly declared: "I will disinherit myself if I do not become the wife of Michael." Having considered this, the question arose whether a dispensation should be granted from a marriage that had been consummated but not ratified.

RESOLUTION. The Sacred Congregation, after deliberation on February 26, 1898, decided to respond: Affirmative.

TRANEN. IURIUM. April 2, 1898. Session 22, Chapter 9, concerning re-

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forms.

SUMMARY OF THE CASE. In the town of Trinitapoli, in the diocese of Tranensis, certain sodalities had long been established in their own churches or separate from the parish church. The clergy of this town, united in a college attached to the Archpriestal Church, which, over the years, had been granted numerous privileges and today bears the title of Collegiate Church, had established a custom that, as is customary everywhere, no function should be performed, and no public supplication should be held, without the participation of the entire clergy, who would act as a kind of moderator. However, the desire for new things has now affected even these sodalities, which, defending themselves against the clergy, have asserted that they are not bound by any obligation to invite the entire clergy to their functions; indeed, the moderators of the individual sodalities have decided that they will not admit priests into their churches to perform the sacred rites unless they pay a fee for the use of the facilities. The clergy, in a plenary meeting held in 1873, enacted certain statutes by which they fully defended their rights against the sodalities, and established many regulations concerning the priests who had accepted invitations from the sodalities.

[*Latin ed. p. 80*]

80. TEARS. And when these men had postponed inviting the entire clergy, then followed anger and almost daily disputes; which the Archbishop delegated judges to settle, so that they might ascertain and define the main points of the controversy. On August 25, 1895, this judgment was issued: I. The Rector of the Church is not bound to comply with what the clergy demands. II. The custom claimed by the clergy does not hold. III. The fine imposed is declared invalid; and the clergy is charged with the obligation of returning 12 livres, which the Rector of the Church of Saint Mary of Lauretana had paid improperly. IV. The Prior of the Sodality should conduct himself properly, defending his rights, with due consideration of the present circumstances. V. Those who are condemned shall bear the expenses, which will be determined by the Chancellor of the Archdiocesan Curia. The clergy certainly did not appeal in writing, but today they claim that they appealed verbally within the prescribed time; but, in order to safeguard their rights more securely, they request the full restitution, should it not seem to the Most Reverend Fathers that the appeal should be admitted; and finally, the question is whether the judgment of the delegated judges can be upheld. Meanwhile, after this judgment was issued, the Archbishop did not immediately submit the matter to the Sacred Congregation, but sought to settle the disputes through a path of concord, and on February 18, 1897, during the Sacred Visitation, he issued a decree, as if it were a provisional measure, contrary to the previous judgment, so that nothing would be changed, according to the intention

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of the clergy, preserving the dispositions of the Holy See. A SYNOPTIC ACCOUNT OF THE DISPUTE. The defender of the clergy first argued that the appeal had been initiated legally, and cited the words of Saint [Thomas Aquinas] (Title on Appeals, n. 18), which state: "According to common law, it is sufficient if the aggrieved party states that he is appealing from a final judgment, because it is unjust. Indeed, according to the Doctors, if the aggrieved party is present in court, it is sufficient if, after hearing the judgment, he pronounces the word 'appeal' or 'I challenge,' and the appeal is valid." He also feels...

[*Latin ed. p. 81*]

81. Devout men, who wrote concerning the definitive sentence: "We also appeal verbally." Then, because the Doctors generally hold that an appeal must be made in writing from an interlocutory sentence, but that it can be made verbally from a definitive sentence, the matter is explained by this observation of Saint [Santi]: (1. c.) "It seems more harsh and adverse to the judge to appeal from an interlocutory sentence than from a definitive one. For the former appeal suspends the course of the judgment and the exercise of the judge's jurisdiction; the latter, however, suspends only the execution of the sentence, but not the judgment in which the judge has already performed his office with a definitive sentence." The Archbishop testifies concerning an appeal made verbally. Then, the advocate, seeking a remedy of restitution in full if the support of an appeal were lacking, notes that the Sacred Roman Rota Tribunal has never denied such support when the sentence appears openly unjust, both in regard to the form of the proceedings (a vice of nullity), and in regard to the merits of the cause (a vice of injustice). "The Lords said that restitution should always be granted when damage results from the nullity and injustice of the sentence." Decis. 241, p. 8. Recently, cor. Reipo et passim. "Where there is proof of nullity and injustice, restitution is granted even against a sentence and a judgment already rendered." Rot. Rom. Rec. Dec. 672, n. 1, p. 1. Concerning the matter, the advocate narrates that the appeal was made only verbally, not in writing, and that this state of affairs persisted for a long time, because this was the will of the judge. Indeed, before the matter was reported to the Most Holy Congregation, the Archbishop again sought to reconcile the dissenting parties among themselves. Although the outcome did not conform to his judgment, this is not a reason to condemn the clergy, who, refusing to reject the authority of their legitimate Moderator, obeyed his commands. Another reason why restitution in full is granted, the advocate asserts, is because of a grave and perpetual injury suffered, alleging that the sentence imposed a very heavy burden on the clergy, since the source of their emoluments would be dried up, from which they ought to draw

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sustenance for their lives and dignity. Acts, Vol. XXXI, fol. CCCLXII, 6.

[*Latin ed. p. 82*]

82. TRANEN. Praeterea, the defender maintains that this restitution should not be denied, "when the judge has proceeded from error or a false cause, and expresses that cause in the judgment, such a judgment does not pass into a res judicata, but, once the truth is discovered, it can always be retracted"; thus, Reiffenstuel, *De sententia et re iudicanda*, n. 130. Furthermore, he notes that the lapse of time is not prejudicial, because restitution in integrum can be sought within four years. Regarding the merits of the matter, the advocate states that the question is concerned with two points: the first being whether the chapels of the sodalities, which are located in Trinitapoli, are obligated to provide sacred vessels to any priest entering those chapels to celebrate Mass, or not. The second is whether it is permissible for rectors, or as they call them, spiritual fathers, who preside over sodalities in the same city, to celebrate public or private devotions, which, however, do not concern the sodalities, without the invitation of the College of Clergy, or without any invitation being made. Concerning the first question, the defender argues that it is based on a custom about which the Archbishop spoke: that the chapels of the sodalities have, from time immemorial, provided to the clergy of Trinitapoli whatever is needed for the celebration of the Mass, and that the contrary would be, as it seems to me, unacceptable. The Archbishop had already expressed this in his letter, and had previously declared the same in a certain decree issued on February 8, 1897, during the Sacred Visitation. In that decree, he had ordered that nothing new should be introduced in the future, but that the sodalities should continue to provide the sacred vessels according to custom, until the judgment of the Sacred Congregation was rendered. The advocate recalls the authority of Benedict XIV, who, on more than one occasion, affirmed that the presidents of churches cannot in any way insist that priests who enter those churches to celebrate the sacred rites should bring their own sacred vessels. He only wanted that, whenever these churches suffer from a known and certain lack, they should celebrate with a small tax or offering.

[*Latin ed. p. 83*]

TRANEN. 83. They may impose charges upon those who benefit from it; and this is not done generally, but only in specific cases, namely, when the established custom and ancient practices, and only when circumstances require it, as Scavini explains in his book on the Eucharist, article I, on the stipend for the Mass: 1. If the poverty of the church intervenes, something may be retained for the necessary expenses of the Masses, provided they are perpetual. Indeed, the customary stipend is not diminished when those who establish perpetual Masses, having considered the full stipend of the

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priest, and all expenses necessary for the celebration of the Sacrifice, have provided for them, etc. 2. Even if the treasury of the church is pressed by a lack of funds, nothing can be demanded from the priests who come to that same church to perform the divine service, either for that purpose, or out of piety, or because they are given a certain, fixed stipend by the ministers of the church, etc. 3. If the priest himself insists on celebrating in that temple, of whose poverty he is aware, then something may be requested for the expenses, either from the presbyter or from the one who has arranged the sacrifice with a fixed stipend. However, the speaker observes that such extreme poverty in churches should not be presumed, because the laws have always stipulated that no temple should be opened for public worship unless it is adequately endowed, suitable indeed for the service to be performed, according to the will of the Council of Lateran, chapter 16, question II: "No one shall build a church before he has determined what is sufficient for lamps, and for guards, and for the stipends of the guards, etc." Nor are temples exempt from this obligation, the speaker continues, which are governed by Sodalities or Congregations. Indeed, Melagutius, in his Manual for Parish Priests, states: "Sodalities, wherever they are established, are bound to maintain and provide for their altars in whatever church they are established, with regard to lamps, furnishings, and all necessities, both for the honorable and religious adornment of the same, and for the celebration of the Sacrifice of the Mass; because, as Panimolli, Decree 15, no. 9; Barbosa on the Office and Power of the Bishop, quoted no. 64, no. 16, and Cannae, state, in practice, by the very fact of their establishment in these altars, the members are considered and regarded as having obligated themselves."

[*Latin ed. p. 84*]

84. TRANEN. To maintain these [benefits], having been instructed about the aforementioned matters, as if patrons of churches were present. This obligation is made more evident by a public instrument which the Municipality stipulated with the Lauretan Society on March 14, 1841. For, through that authentic document, the Lauretan Society held the Municipality as its patron and subjected itself to it, with this principal law imposed upon it, that the Society, for its seat located in the Lauretan chapel, should perpetually, at its own expense, maintain the public worship. All these precepts of law and custom, the speaker notes, can rightly be extended to the Trinitapolitan Society as well, for these were founded by the generosity of pious men, so that they might serve the public worship. Because, contrary to this opinion, authority is cited from the decisions of the Advocates of the Sacred Congregation of Rites, who do not deny in the *Ephemerides*, commonly known as *Il Monitore Ecclesiastico*, that certain decrees issued by the Sacred Roman Congregations are contained therein, which seem to pertain to the matter at hand. However, besides the fact that the

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judges made no mention of them in the delivered judgment, the speaker contends that these decrees were interpreted in a different sense and were distorted from their true meaning. Indeed, the decrees that the aforementioned *Ephemerides* contains, Volume V, page II, page 147, concern only those whom we call chaplains or beneficed priests, upon whom the perpetual burden of celebrating Mass is imposed: or at least, they concern priests who, on each and every day, with hardly any interruption, and always in the same temple, habitually perform sacred duties. Only for this reason would it be permissible to impose a small tax on the superiors of the societies, provided that the poverty of the temple is manifest. But in the case being considered before this Sacred Congregation, it is not about chaplains, nor about benefices, nor about Masses to be perpetually celebrated: but only about those Masses which are commonly called "occasional," which one or two priests may wish to celebrate twice a month or rarely in the year, in the church of the city's Patron, or for the piety of the faithful. The speaker denies that the poverty of the societies is the reason for this.

[*Latin ed. p. 85*]

85. He observes. First of all, it is necessary to repair the church building. But the church building is usually repaired with that money, as is well known, from the gold that the piety of the faithful is accustomed to donate to the Virgin, the Patroness. Secondly, wax is needed for the celebration of the sacraments. But the piety of the faithful provides this abundantly. Thirdly, the salary of the altar server must be paid: wine and hosts must be provided. But the Municipality covers these expenses from its own funds. For the municipal altar server benefits from the use of land and can collect a stipend, both within the temple and outside. Finally, priestly vestments are needed. But the faithful provide for this necessity, who have often given gifts bearing the insignia of Christ. Therefore, even if the Lauretan confraternity were truly in a difficult situation, this would be no impediment to providing the necessary items for the celebration of the sacraments. And the confraternity would suffer an even greater loss if it persisted in refusing to provide these items. Because the sacred services in the temple would become more and more deficient, and the attendance of the faithful would decrease more and more, by whose generosity the financial resources of the temple are increased. Furthermore, an unjust opinion must be rejected, the patron argues, which grants the Rectors of confraternities, or as they are called, spiritual fathers, the right to hold public or private devotions, even if the confraternity itself does not request it, without the invitation of the clergy, or without any invitation being made. In truth, this part of the opinion is entirely contrary to custom, to mutual agreements between the clergy and the confraternities, and to the laws by which various confraternities are governed. Testimony is given by the Syndics of Trinitapoli regarding this custom, which is also strengthened by the decree of the Archbishop of

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February 18, 1897. Because the opposing opinion claims that this custom should be restored through the tolerance of the Rectors, the patron states that in our case, there have been three centuries of tolerance. Therefore, if the Rectors have tolerated it, they have established a custom, and also a simple, but privileged, custom, because it has been confirmed for three centuries. And, he insists, this custom cannot be called unreasonable, for "custom is..."

[*Latin ed. p. 86*]

86. TEARS. "Irrational, whenever it breaks the nerve of ecclesiastical discipline," cf. Saints, *De consuet.*, n. 17. This cannot be transferred to this case, because this custom strengthened the discipline of the Church with firmer safeguards, by uniting the Priests in a bond of charity and concord. Moreover, the speaker continues, this opinion not only contradicts the custom, but also written agreements between the Clergy and the Sodalities, confirmed on December 15, 1873. The speaker argues that the approval of the Bishop was not lacking in this case, as evidenced by the testimonies of the Archbishop. For neither Archbishop Marinangeli himself, nor his predecessors, ever questioned this agreement of the Clergy, nor could they have ignored it, since it was well-known and widely disseminated; therefore, the speaker argues, it had been tacitly approved by the archiepiscopal authority from the very beginning. However, the opposing opinion states that, with regard to the articles concerning the obligation of the spiritual fathers to call the Clergy to functions, and the considerable penalties, in case of transgression, had been abolished by the decree of Archbishop De Bianchi on March 14, 1878, and by the decree of May 1, 1895, of the present Archbishop Marinangeli. But the lawyer replies that we are dealing here with a privileged custom, which is not abolished unless a law expressly abolishing it is enacted. The Archbishop Marinangeli himself admits that there was no derogation in the letters given to the S. C. C. Therefore, the speaker concludes, the authority to which the spiritual fathers are attributed by the disputed opinion does not belong to them by law, according to the law of the Sodalities.

JURIDICAL MATTERS CONCERNING SODALITIES. On the other hand, the lawyer for the Sodalities recalls that, at the beginning of the controversy, Archbishop Marinangeli expressed his opinion as follows: "Some of the canons of this collegiate church have had recourse to us with the intention of preventing the spiritual directors of the Sodalities from performing certain functions without the intervention of the collegiate chapter. We, having considered the customs..., order that the directors of the Sodalities be left free to perform their functions..."

[*Latin ed. p. 87*]

TRANEN. 87. Regarding all actions undertaken within their own juris-

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dictions, which are presided over by those appointed by our will, without any interference from the chapter. Furthermore, the advocate notes that a judicial opinion had reached the mind of the Archbishop to confirm his judgment, a judgment which, however, the Archbishop himself subsequently revoked, after the clergy, having failed to obtain a timely appeal, had published contrary decrees. Concerning preliminary questions, the advocate first points out that an appeal must be lodged within ten days of the pronouncement of the judgment, and that care had been taken to ensure that the appellant was given the document from which the appeal was being made by the judge from whom the appeal was being made. "Provided that, within the time allowed for a legitimate appeal, the case is presented before the judge from whom you wish to appeal; or, if you are unable to obtain a copy of it yourself, in the presence of good men, with a protestation regarding this matter, you must present the reasons for your appeal" (cap. Si iustus metus, ult. de appell. 28). And Boniface VIII, following in the footsteps of his predecessors and the Roman jurists, instructed the appellant to request the letters, which we commonly call "apostolic letters," from the judge within thirty days of the appeal, according to the following law: "If, perchance, he does not request them, his appeal shall be considered void; for he who appeals must urgently request the apostolic letters within thirty days, and they must be presented to him by the judge within that time; otherwise, the appellant is presumed to have renounced his appeal, if he fails to request them within the same time, even if he goes or sends someone to pursue such an appeal" (cap. 6, de app. in VI). Therefore, all of this, the advocate argues, was disregarded by the opposing party, who sought an appeal after two years. Since the Archbishop today admits that these appeals were made within the proper time, the advocate presents the bare testimony of the Archbishop, who testifies that he heard the litigant making the appeal privately, and that this cannot constitute a valid appeal, because an appeal, unless it is made in the presence of the judge, while the judgment is being pronounced, must necessarily be in writing. "An appeal from a final judgment can be made in two ways; first, immediately, or, as others say..."

[*Latin ed. p. 88*]

88. TRANSACTIONS. While the proceedings are ongoing, and the judge is still seated before the tribunal, this is done orally, although this very fact must soon be recorded in the public records. Then, an appeal from the final judgment can be interposed, but within ten days; and this must be done in writing, either through a document called the "appeal" or a similar form. It must contain the name of the appellant, the name of the judge from whom the appeal is taken, and the judgment from which the appeal is made. (Lib. 1, § fin. d. de app. et rei. 79. (Reiffenstuelius ad tit. de appell, lib. II, 27, § 4, n. 119, 120)). If a valid appeal has been made, the

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advocate insists, but it is established that such an appeal, if abandoned by the appellant, is considered void. For if an appeal has been made to the Pontiff, it cannot be abandoned; rather, the one appealing must petition the Apostles and ensure that the cause is instituted in Rome within six months. Indeed, the appeal is considered null and void unless the Apostles are petitioned, "for the appellant is presumed to renounce his appeal if he fails to petition the Apostles within thirty days" (Boniface VIII in cap. 6, de app. in 6). And Reiffenstuel I. c. n. 167 seq. teaches: "The fatal term for presenting the Apostles and introducing the appeal before the judge to whom the appeal is made is six months from the day the appeal was interposed. However, it must be admitted that Lud. Engel asserts that this term, whether it is a term for presenting or introducing the appeal before the judge, is not determined by canon law, but rather the judge must set a term; Scaccia agrees, saying that the time for presenting the Apostles to the judge to whom the appeal is made is at the discretion of the judge, as is the time for pursuing the appeal, provided it is done within a year. But if there is no recourse for the opposing party, the advocate will not seek a full restitution. For restitution in integrum is an extraordinary remedy by which, due to a violation, things are restored to their original condition, in which they were before the violation. Since restitution in integrum, when obtained through extraordinary remedies, lasts for a year, it follows that it cannot be granted without a serious reason."

[*Latin ed. p. 89*]

89. Whereupon the advocate observes: Those who have fallen into error or are restricted by this title are assisted, whether by fear, or by cunning, or by age, or by absence, having fallen into captivity, or by a change of circumstances or by a just error (IL 1 and 2 D. de in int. r est.). For the restoration to integrity, it is required that a serious injury has occurred either through the deceit of the adversary, or through the careless negligence of the injured party, or through the negligence of the advocate himself: and this must either be manifestly proven, or at least properly proven in court by the injured party (ReifFenstuel, title concerning internal remedies, nos. 11, 12). However, the advocate contends that none of these causes should be held against the adversary, since none of them has been in any way proven.

Turning to the merits of the case, the advocate notes, with regard to matters pertaining to sodalities in the Churches, that the Holy Congregation of Rites, at the beginning of the last century, wisely decreed: and the judges have decided according to their judgment. "Do confraternities established in public churches have any ecclesiastical dependence on the parish priest, within whose parish boundaries the churches are located? No" (decree of Urbis et Orbis, December 16, 1703). Nor did they consider anything different regarding payment for utensils: and in a certain case in Dertfion (July 6, 1726), the Holy Congregation of Rites, at about the same

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time, decided: "Is the archpriest of the collegiate church of the town of Pons Curoni obligated to provide wine, incense, and hosts to chaplains and other priests who wish to celebrate or are obligated to celebrate Mass in that church? R. The archpriest is not obligated to provide the aforementioned utensils to those who celebrate in his church by reason of their benefice or chaplaincy, except for those with whom he has particular agreements: and with regard to additional Masses, he is obligated to provide for such provision, insofar as he allows them to celebrate in his church: nor is he obligated to admit such additional Masses, unless the utensils are paid for by those celebrating."

Benedict XIV (Instit. Eccles. 105, § 108) teaches: "Those who defend the causes of this opinion (that is, the opinion that frees members of sodalities from certain obligations)..."

[*Latin ed. p. 90*]

90. The defender argues that, when it is a question of performing sacred rites, one should investigate whether the books treat of matters pertaining to the parish church, which must be observed by other churches that are separate from it, but are within its boundaries. The final chapter concerning the duties of the archpriest states that churches located within the boundaries of a parish do not in any way belong to that parish, unless it is a matter of settling parochial rights (Inst. 105, § 108). The opposing counsel, the orator observes, may object that the decrees cited do not concern the rights of the chapter for the benefit of the sodalities, but only the rights of the parish priest, who sometimes abused his power. However, this argument is easily refuted by the advocate before the judge, since it is clear that what is forbidden to the parish priest is not permitted to clerics, even those holding canonical offices, by the authority of the Pontiff. And indeed, the clergy do not have the authority in the churches of the city that the parish priest has, within certain limits, as the Pontiff's constitutions have granted to him within the boundaries of his parish (final chapter concerning the duties of the archpriest). Therefore, unless the Pontiff's benevolence has granted the clergy a special privilege, they must submit to the laws imposed on the parish priest. But there is another argument, drawn from custom, with which the opposing side attempts to demonstrate: the sacred rites cannot be performed by the sodalities, because, according to ancient custom, all the churches in the city have been considered to be under the jurisdiction of the clergy. But the defender replies that the custom that the opposing side puts forward has not been demonstrated. Therefore, the first thing that must be demonstrated is that the custom that is claimed to exist is something that has, from ancient times, come to be accepted as customary. Furthermore: "Custom must be based on practices, or acts, that have been frequently practiced by the entire community, and the acts from which the custom is derived must be free, public, well-known, and uniformly practiced by

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the entire community for a legitimate period of time" (Maschat. Inst. can. ad hunc tit. § 4 et 5). Then, it must be confirmed that this practice has lasted continuously: and that never have those who were concerned been opposed to the introduction of the custom, or those who have opposed it have not been of sufficient authority to prevent its establishment.

[*Latin ed. p. 91*]

TRANEN. They introduced a custom, following a different practice. For otherwise, an interrupted custom is considered null. Finally, it must be established, the advocate continues, that those who were inconvenienced did not adopt the custom with the intention of pleasing their friends, but rather to obligate themselves through their tolerance. "However, in order for a custom to be binding, it is required that it be introduced with at least the intention of obligating oneself, or of introducing a binding custom" (Ferraris, *Bibliotheca Canonica*, voce *consuet.*, § 5). Hence, the phrase commonly used in law, that certain acts do not suffice to establish a custom, nor even a prescription, which are now called "acts of mere will." For he who acts of his own accord, and refuses to submit to the law: what is readily granted today, may unjustly be denied tomorrow. "In matters of mere will, prescription does not apply" (De Luca, *Theatrum Veritatis et Institutiones de Regul.*, lib. XIV, p. 1, disc. 2, § 20). "Voluntary acts do not establish a custom in matters of free will" (Rota coram Arguelles in Fanen, *Praecedentiae*, 1 July 1648, p. X, n. 256, § 20 recent). "An unmemorable custom cannot be considered in matters of free will" (Rota coram Rojas in Forosempronien, *Bonorum*, 4 March 1641, p. IX, t. I, dec. 10, § 19 rec.). "Even through a thousand acts, possession is not acquired through matters of free will" (Rota coram Pirovano in Calaritan, 13 February 1617, p. 4, t. 1, dec. 400, § 3 rec.). Only then, the authors of both Roman and our law tradition say, do voluntary acts establish a custom, when he who benefits from the custom prevents those who acted voluntarily from deviating from the established practice; but these latter, with a fair spirit, comply with the will of those who prohibit. For this is sufficient to establish a custom: as the opinion of the jurists held, for the acquisition of freedom through usucaption in servitude, "a prior prohibition, or a respectful coercion, and subsequent acquiescence for a suitable time" (De Luca, *Theatrum Veritatis et Iustitiae de Beneficiis*, lib. XII, p. I, disc. 58, § 7). These three things are required in a custom, and none of them...

[*Latin ed. p. 92*]

92. TEARS. The adversaries have prevailed, and the patron is pressed. Not for the first time, nor for the second: for they have demonstrated, from the most ancient times, that no associations existed, and that those sacred things which they claim were celebrated by them, were in fact not celebrated by them. Not for the third time: although it might be proven that

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associations existed for a long period of time within the Church, they have requested the canons to consider this matter; but this concerns actions of a facultative nature, which are not capable of establishing a custom; and, moreover, no evidence whatsoever is presented that would seem to confirm that prohibition, of which I remember, which was established with tolerance. Not only do the adversaries not prove the custom that they claim, but, according to the advocate, they themselves can prove that there was never any custom at all. It is known that, in these twenty years which preceded our time, when the Trinitarian Clergy first attempted to restrict the freedom of the associations, these [associations] immediately, without any delay, sought refuge with the Bishop, in order to vindicate themselves from an unjust persecution. No one would have tolerated such associations, if the clergy had arrogated to themselves rights which they are now attempting to obtain, says the orator. And if this had been the case, insists the orator, our laws would not approve of it, for our laws certainly do not ratify all customs; but only those which are in accordance with reason. "A custom is not so powerful, that it should generate a prejudice even against positive law, unless it is reasonable and legitimately prescribed" (Gregory IX, in cap. tit. h. tit. lib. L tit. IV, Decret.). What customs are in accordance with reason is not easily defined: on this matter, the writers themselves strongly disagree. However, it is certain that those customs are repugnant to reason, which either overturn discipline, "breaking the nerve of ecclesiastical discipline" (cap. 5 h. tit.), or give place to intolerable inconveniences (cap. 10 h. tit.), or are contrary to the worship due to God or to the public good (cap. 13 de off. iud. ord. et cap. 16 de praescr.). But all these things, which are condemned by law, are found, according to the advocate, in the custom which the adversaries claim is beneficial to the Church. For this custom overturns discipline, by depriving the Trinitarian associations...

[*Latin ed. p. 93*]

TRANEN. 95. Concerning faculties granted by the Pontiff: In churches which are not subject to the clergy, a broad jurisdiction is granted to the clergy. This clearly opposes the due worship of God, and seems to prevent the poor from using the sacred vessels. For, since he who uses the sacred vessels must pay a fee to the entire clergy, and the moderators of sodalities cannot accept them without inviting the clergy to participate, it follows that those who are not wealthy will no longer be able to use them. Finally, to better explain the matter, the speaker stated, citing the decree of the Sacred Congregation [S. C. C.] in the aforementioned document [Berthonen.]: Three kinds of Masses are commonly celebrated in churches. Some are celebrated by those who hold a benefice in the church; they receive payment from its revenues. Others are celebrated by the rector of the church, or at his request; still others are celebrated by priests, either moved by piety, or by receiving payment from the faithful, who come to the church where

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they do not hold a benefice, in order to perform sacred duties. Indeed, the governor of the church rightly provides the necessary items for the Masses mentioned in the second place; for he who requests priests to celebrate the Mass in his church cannot deny the necessary items to those who are celebrating the Mass. But regarding the others, one must judge differently: whether those who hold a benefice already have the means to purchase the necessary items from the revenues of their benefice; or whether, if they use the church's items, they pay a certain sum to the church for their use. But those who do not request to celebrate the Mass in the church, but rather request the rector to allow them to celebrate the Mass, have no right, without paying, to demand the necessary items from the rector. For he who grants a favor can impose whatever conditions he pleases. As for the "adventitiae" Masses, it is permissible to require that those who wish to celebrate them in the church provide the necessary items, but it is not permissible to require that they pay for the right to celebrate these "adventitiae" Masses, unless they provide the necessary items. This is in accordance with the rule established by Albert on this matter. After the provision of the sacred vessels has been made, it does not necessarily follow that they must be provided indiscriminately to all who wish to celebrate the Mass: but our laws have established certain limits, within which "adventitiae" Masses may be celebrated in Fismes.

[*Latin ed. p. 94*]

94 TRANI. When the pastors of churches are willing, they are not obligated to provide sacred vessels, unless they admit [the Sodalitas] to celebrate [the Mass], which certainly depends on their free will (regarding sacred vessels, chapter XIII, paragraphs 1 and 29, Rome, 1783, volume I, pages 233 and 237). Finally, the advocate said, it is almost unnecessary to refute the argument of the opposing side, by which they contend today that the Sodalitas enjoys an undue advantage, because the contrary is taught by evident daily experience. Having considered these points on both sides, the following questions were proposed: I. Does a legitimate claim exist in this case? And, to the extent that it is negative, II. Is there a basis for complete restitution in this case? And, to the extent that it is affirmative, III. Should the judgment of the Metropolitan Tribunal of Trani be confirmed or overturned in this case? RESOLUTION. The Sacred Congregation, after discussing the matter on April 2, 1898, decided to respond: Regarding I and II, a response will be provided in III. – Regarding III. The Sodalitas is not obligated to invite the entire clergy to its functions; and in the rest, according to the aforementioned. UTINEN. DISPENSATION FOR MARRIAGE. On April 2, June 18, and July 16, 1898. Session 24, chapter 1, Concerning Reforms. SUMMARY OF THE FACTS. At the end of the year 1889, Victor, a citizen of Ampeti and skilled in the art of geometry, while engaged in surveying work in the town of Salice, met a young woman named Noema,

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and, captivated by her beauty, he asked her to become his wife.

[*Latin ed. p. 95*]

UDINE. With the consent of the young woman and her parents, and after three years had passed, on the 10th of May, 1893, the marriage was duly celebrated in the parish church. However, this union proved to be utterly unhappy; for, as is recounted, while the marriage was being celebrated in the church, the man was suddenly seized by a mental derangement, and after the ceremony was completed, he was taken to the bride's home, where he immediately took to his bed, ill. When questioned by the physician of the town, it was discovered that he was suffering from a venereal disease. Noema and her parents were deeply distressed by this; therefore, the woman, about fifteen days later, still afflicted by the disease, was compelled, by the advice of the doctors, to move to Venice in order to escape the union with the sick man, and she does not seem to have returned to Udine until the man returned to his homeland. Indeed, Victorious left the bride's home after two months from the celebration of the marriage, due to the arising discord, and returned to his homeland, never to return again. In this unhappy situation, the woman appealed to the Holy See, imploring that her marriage be annulled, since it was only valid and not consummated. After receiving the delegation, the Udine Tribunal, in accordance with the law, conducted the proceedings, examined the plaintiff, and also heard seven witnesses, who unanimously testified to the woman's piety and honesty. The woman was subjected to a physical examination twice; but the man, having been summoned to court, refused to appear.

SYNOPTIC DISCUSSION: DEFENSE OF THE WOMAN. The plaintiff's advocate, wishing to open a path for himself in order to more easily demonstrate that the plaintiff's marriage remained unconsummated, presents certain arguments as a foundation for his plea. First, he recounts how the most shameful disease, which Victorious had contracted through immoral conduct, broke out with greater intensity while the marriage was being celebrated in the church, and how the man who was embracing the bride was confined to his bed, ill. Indeed, this is not only affirmed by the witnesses who were present at the ceremony, but also by the physician, who was called to treat him, and by the parish priest, the most reliable witness of all, who openly asserts it.

[*Latin ed. p. 96*]

96 UDINE. Furthermore, the advocate continues, it is established that, approximately fifteen days after, Victor, still afflicted by the disease, at the urging of his mother, moved to Venice; and he did not return to Sacilio until the man returned to his homeland. This, too, is testified to by those who provided lodging to the man during his journey. Finally, the advocate contends that it is established that an unchaste man was never able to reconcile

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the mind of his deceived wife; indeed, he was never seen in Sacilio, where his wife resided, after his return to his homeland. The advocate confirms this with a letter sent by the parish priest of Ampetia to the Curia of Udine. Having established these facts, and since, according to the advocate, it is not permissible to suspect that the couple were together at that time, given that discord had arisen between them and they were living separately in different towns, only one thing remains to be demonstrated: that they were not together for even half of that month, during which Sacilio resided in the same house. But the advocate, narrowing the scope of the question, notes that for a few hours, Victor remained with his wife, without witnesses: first, because Noema was accustomed to spending the night in her mother's room; and second, because during the day, those who were aware of the danger, vigilantly prevented anyone from approaching the ailing man. Indeed, it is clear that Noema herself, as soon as she recognized the nature of the disease that afflicted Victor, diligently took care not to be left alone with him. The advocate confirms this from the testimonies of those who lived with Noema. Therefore, the advocate asks only this: whether, during those few hours when Victor was with Noema, the marriage was consummated; and he argues that this is sufficiently proven by the circumstances. For, it is known that those who are afflicted by a venereal disease often, when engaging in intercourse during their prime years, are unequal to the task; or, if they are not entirely unequal, they are infirm in matters of venery; for they can only perform what they previously accomplished readily, with some difficulty. But, the advocate continues, Victor's venereal disease had not only weakened his genitals, but had so enervated his entire body that, in the days immediately following the wedding, he was unable to eat or even lift his head.

[*Latin ed. p. 97*]

97. Whereupon, the defender argues, given these circumstances, the consummation of the marriage proved to be almost impossible. For the woman was not accustomed to indecent things, but rather to a virgin, who, ignorant of lust, shone with uncorrupted innocence. Noem was not lying in the marital bed; but rather, the man, who was afflicted by her, did not find her readily yielding, even if he attempted to entice her, but rather, he experienced her extreme reluctance due to modesty and the fear of contagion. No one will believe that, with these circumstances, Victorius could have consummated the marriage in so short a time. Many witnesses considered this to be incredible and almost absurd. Having established these points, the advocate proceeds to the legal arguments, and first, he proves the lack of consummation of the marriage through the sworn testimony of the actress. The defender insists that the actress's testimony should be given full credence, because highly respected witnesses attest that she is a woman of piety and deeply devoted to truth. Finally, omitting other matters, the

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Archdiocesan Court confirms her honesty and piety: "We add this, that the woman's religion, her miserable condition, and other things that emerge from the proceedings, merit that assistance be given to her through an apostolic dispensation." It would be in vain to object, the advocate responds, that Noem, however pious and honest, might have been driven to lie by a desire to serve her own interests; indeed, it is clear from the testimony of several witnesses that Noem affirmed the lack of consummation of the marriage at a time when there was no suspicion. The witness is Attilia Cavarzerani, to whom Noem, about to leave her husband in order to go to Venice, openly declared that the marriage had not been consummated. Furthermore, the advocate continues, this is confirmed by the very man himself, who, although contumacious, in a letter sent to the Archdiocesan Court, clearly confesses that he never forced his wife. The defender maintains that this confession of the man is of great importance, since it is not only far from the fact that Victorius desires the marriage to be dissolved, but that he has even tried to prevent his wife from obtaining a separation. *Acta*, Volume XXXI, page CCCLXII, line 7.

[*Latin ed. p. 98*]

98. If it is objected that Victor, who initially opposed, was later led to the point of accepting a price from Noema, and thus colluded with her, the advocate replies that there is no suspicion of collusion in this case.

The advocate does not deny that the accuser wrote that Victor was a greedy man, and that he would not oppose if money, which was dearer to him than his wife, was demanded by his wife. But, since Victor resisted and abandoned the agreement, it is clear that he denied Noema the money she sought. Therefore, the archpriest of Sacilli testified: "I exclude the possibility that the spouses acted in agreement."

However, even if, for the sake of argument, Victor did collude with Noema, the advocate continues, it does not follow that Victor made a false statement. For, at the time when, according to the accuser, collusion was not possible, Victor asserted, and continues to assert, what he affirms today, while he was still staying in Sacilli, recovering from his illness.

Furthermore, the advocate states that the lack of consummation of the marriage is confirmed by a written document presented before witnesses, the day before Victor left Sacilli to return to his homeland.

The advocate claims that the lack of consummation of the marriage is also proven by the testimony of a doctor, who, at the judge's command, carefully examined the actress's genitals and found her to be a virgin.

However, because, shortly before, three midwives, having examined Noema's genitals, claimed to have found her hymen to be broken, and because two doctors, who had heard the midwives' report, confirmed their findings, the advocate attempts to prove that the midwives were

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mistaken; therefore, he argues that a second examination, conducted by Doctor Pennatio, should be considered.

The advocate does not speak of the doctors who confirmed the midwives' judgment, because they did not examine the genitals themselves, but made their judgment based on what the midwives reported. However, regarding the midwives, the advocate accuses them of being mistaken, and Doctor Pennatio demonstrates that the small incisions that are naturally present in the hymen were, unknowingly to them, mistaken for myrtle-shaped folds.

[*Latin ed. p. 99*]

UDINE. 99 In this discrepancy, the defender does not hesitate to affirm that the relationship of Doctor Pennati holds greater weight and authority, due to his doctrine, which the Utinensis Curia has wonderfully acknowledged: "Regarding the knowledge, skill, and integrity of Doctor Pennati, I have no doubt." Furthermore, the defender rejects the testimonies of the midwives, since they contain more absurdities and contradictions. However, the defender of the marriage doubts whether Doctor Pennati, perhaps more inclined to obedience, might have concealed the loss of virginity by Noema, which is causing her great concern; but this is unjustly asserted, the advocate replies. For the testimony of the Curia does not allow for such doubt: "Regarding the knowledge, skill, and integrity of Doctor Pennati, I have no doubt," and there are also very powerful arguments by which the testimony of the Curia is supported. Pennati was not the one who chose Noema, who had requested that the judge, as Celloti had been chosen, be appointed. But the judge, since the defender of the marriage had suspected Celloti, requested that Pennati examine the genitalia, which the defender of the marriage certainly accepted before others, since Pennati was a very distinguished and renowned physician. The defender sees nothing to add regarding the reasons that might move the Pontiff to grant the requested dispensation, since they are most evident. He only notes that the illness from which Victor suffers may either be incurable, or it may produce offspring tainted by the paternal blood of Noema. To these very serious grounds for dispensation, other reasons may be added, such as the separation of souls, which leaves no hope of reconciliation, as the parish priest of Maroelli affirmed. OBSERVATIONS. DEFENDER OF THE MARRIAGE. However, the defender of the sacrament does not need conjectures to prove that the marriage was consummated in this case. Indeed, Noema states: "I am certain that I am a virgin, and I am willing to undergo an examination." But the advocate replies that the examination of Noema was far from favorable. Indeed, midwives and physicians, when they have carried out the task entrusted to them, according to the instructions issued

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by the Sacred Congregation,

[*Latin ed. p. 100*]

100. Having observed all the prescribed regulations with the utmost care, the assessors unanimously declared that the actress lacked the physical signs of virginity. However, despite these findings, the opposing party, after the conclusion of the case and the presentation of evidence, insisted that the actress's body be examined by another physician. Indeed, on August 23, 1897, a decree of the judge was published, and on December 10 of the following year, Doctor Papinius Pennato of Rome examined the actress's body. This circumstance greatly perplexed the Defender of the Bond, who inquired whether it would have been permissible for the midwives and the aforementioned physicians to have testified that the actress's physical signs of virginity had not been lost, but rather preserved, and whether the party seeking to annul the marriage could demand a new examination of the woman's body, either before or after the publication of the decree. Certainly, it would not have been permissible after the publication of the decree. For, as stated in chapter 2 of the Clementine Decrees concerning witnesses: "Just as it is not permissible, after proper witnesses have been received and their testimonies published, to present other witnesses, either the same or different, in the principal cause, nor in the cause of appeal, since the risk of subornation is equally present in appeals as in the principal cause, so it is not permissible." Furthermore, the advocate believes that it was not permissible even before the publication of the decree. For, when the law defines the evidence that must be presented to establish the inviolate or corrupted state of a woman's virginity, all that remains is to determine, in a particular case, whether those evidences have been applied or not. Anyone who goes beyond this commits not only a violation of the law, but also a defiance of the legislator. Therefore, if it is not permissible for the guardian of the sacrament to challenge the evidence with further examination of the woman's body, neither should the actress. Indeed, a fundamental principle of law, as stated in article 3, section 2 of the Civil Code (V.I.), is: "It is not permissible for the plaintiff to do what is not permitted to the defendant." Hence, the Sacred Rota has always maintained that equality must be observed in legal proceedings. Hence, the well-known axiom of the forum: "The plaintiff and the defendant should not be judged under unequal conditions." Therefore, the advocate concludes that the testimony of Doctor Pennato should be considered of no value whatsoever. Furthermore, the aforementioned physician demonstrated a lack of knowledge regarding obstetrics.

[*Latin ed. p. 101*]

UTINEN. 101, burning with indignation, stated: "In order that the state of virginity may be properly ascertained, a knowledge of both the theoreti-

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cal and practical aspects of legal medicine is absolutely necessary; but perhaps they have never even seen an intact hymen!" However, the Defender of the Bond argues that midwives should not be used "to judge the physical state of virginity," but rather to report "on the signs of virginity or corruption resulting from the examination, whether certain and specific signs and arguments of an intact or corrupted virginal enclosure exist, and whether any deception could have been employed to simulate virginity." (Instruction, August 22, 1840). Regarding the value of these signs, indications, and arguments, or the state of virginity itself, the midwives do not judge, but rather the physicians who previously instruct them on how to recognize, through sight and examination, the conditions in women. Otherwise, if the physician Pennato, in the examination of the body of Noemi, found everything to be contrary to what the midwives had reported, and indeed, if he discovered the most favorable circumstances, the prosecutor demands that the obstetrician and the physicians, with their distinguished intellect and studies, present their findings, so that greater credence is given to them than to five witnesses. Finally, if Noemi possessed that marvelous "intact and bloody hymen," the Defender does not see why the defendant, after the public and learned testimonies, and after so much deliberation, on December 10th, presented herself to the judge, saying: "I must confess that I have, on several occasions before the marriage, allowed Victorious to touch my genitals and to insert his finger into my vagina." The prosecutor continues, "It must not be objected that Victorious asserted the consummation of the marriage. For Victorious asserted that he had proof of the consummation of his marriage, both before and after the marriage." Regarding the witnesses brought forth to testify, the prosecutor notes that the burden lies upon them to prove that the spouses were never alone together; and that they neither can, nor do, provide such proof, since the confessions state the contrary. Furthermore, the witnesses heard nothing about the consummation of the marriage during the questioning.

[*Latin ed. p. 102*]

102 UDINE. Regarding this matter, all the witnesses are confident, and not one has been shaken in their testimony, either by the man himself or by those who are skeptical. Concerning this, the instruction issued by the Sacred Congregation of the Council on August 22, 1849, states: "It will be necessary to proceed to the examination of the 'seventh degree of kinship,' that is, seven relatives from each side, according to the prescribed form (as detailed in Your Letters, concerning frigidity and other matters)." This examination, indeed, cannot be neglected according to the law, lest the judgment be vitiated by a flaw, as Sánchez De Matrimonio, book 7, chapter 108, paragraph 9, states. The Sacred Congregation, in response to a question from the Archbishop of Warsaw, inquired: "Is it necessary, in cases of nullity of marriage, brought before a spiritual judge for any reason, to

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require the presentation of witnesses of the seventh degree of kinship? Or is this only required in cases arising from the cause of impotence?" On June 16, 1894, it responded: "In the negative, regarding the first part, and the testimony of the seventh degree of kinship, strictly understood, is required to corroborate the confession of the spouses regarding the lack of consummation of the marriage." With these considerations in mind, the purpose was to resolve the doubt: Should one consult with the Most Reverend authority regarding a dispensation for a marriage that is valid but not consummated, in the case of E. E. P. P.? It was decided to respond: "Postpone; and let a new examination of the woman be conducted by two more experienced physicians, and let witnesses be heard according to the instructions to be provided by the Defender of the Bond." Then, the Bishop of Udine was ordered to conduct a new supplementary process, in accordance with the instructions of the Defender of the Bond, which are transcribed as follows: "Let a new examination of the woman be conducted by two more experienced physicians, using the precautions and considerations prescribed by the Instruction of August 22, 1840; and it must be ensured that the physicians assigned to this task are not at all connected with the family of Victoria. Furthermore, in accordance with § Deinde et seq., cited from the Instruction issued by the Sacred Congregation of the Council on August 22, 1840, witnesses from the man's side, as well as others who are informed about the matter and are skeptical of the man's family, must be brought in for examination."

[*Latin ed. p. 103*]

UDINE. 105 The Utinensis Tribunal, concerned with the matter, conducted a supplementary investigation, examined certain witnesses under oath, and subjected the actress Noema to a physical examination. Two physicians, Gabriele Mander and Virginio Scaini, declared her to be a virgin. Meanwhile, the actress's mother was designated to fulfill the duties of a matron. The Defender of the Bond presented further objections against the woman's integrity. With these matters before it, the purpose was to determine whether consultation should be sought from the Most Holy Synod regarding a dispensation from a valid but unconsummated marriage in this case. RESOLUTION. The Sacred Congregation, after deliberation on July 16, 1898, decided to respond in the affirmative.

REGIEN. CANONICAL FOUNDATION. April 2, 1898. Session 24. Regarding reference, chapter 17. In the city of Regien, Dominica Manfredi, on May 20, 1834, established a canonical benefice in the illustrious Collegiate Church of St. Prosper, reserving the right of active patronage for herself as long as she lived; after her death, she bequeathed both the active and passive right of patronage to her two brothers and their descendants. Should they be absent, she stipulated that the passive right of patronage should belong to the parish priest for the time being of the Parish Church

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of the Suburb called "dell'Ospizio," exempting him from the obligation of residence; she cautioned in the founding documents "desiring, however, that both the canon or canons who will be appointed by her should be exempt from any obligation of residence, as should those who are equally exempt from residence but not from the office."

COMPENDIUM OF THE FACTS.

[*Latin ed. p. 104*]

I. 04 REGULATION. By which it is stipulated that the one who holds the office of Parish Priest of said church, and not of another, shall be considered a "Canon." In the act in which ecclesiastical authority ratified and confirmed the foundation, the clause regarding exemption from residence was not absolutely accepted, but it was stipulated that an apostolic dispensation should be obtained, insofar as it is necessary. Indeed, for some time, due to the decline and absence of members of the founding family, the parish priests of the church commonly called "dell'Ospizio" have obtained the position of Canon, but relying on the dispensation that exempts them from residence, they have neglected to fulfill the duties of a Canon. Furthermore, the revenues of the Canonry have been greatly diminished; therefore, when the parish benefice and the position of titular are vacant, the one who is invested with that benefice should also assume the Canonry, as is the case with the Canons of the Collegiate Church of St. Prosper. The Canons have petitioned the Bishop to suppress the Canonry established by Dominica Manfredi. Consequently, the Parish Priest has not yet been able to obtain the actual institution or possession of the Canonry of the Collegiate Church of St. Prosper. The Canons maintain their petition for several reasons, but primarily they rely on these: 1. The revenues are excessively diminished, because at the time of the foundation, 590 florins were designated, whereas today, barely 270 florins remain. 2. They point out in the foundation documents that it is stipulated "that if, through the action of any authority, the Canonry itself or the Chapter were to be suppressed, the funds constituting the endowment of the Canonry should immediately be added to the parish priest for the time being of the 'Ospizio,' as part of that parish benefice." Therefore, the Canons argue that the situation has reached a point where the will of the foundress should be carried out, since, unfortunately, the Chapter and the Canonry have suffered suppression due to the actions of the Fiscal authorities. 3. Furthermore, the Canons note that the accumulation of these benefices cannot be sustained, especially since they are incompatible due to the requirements of residence and office, as has been clearly demonstrated by the established practice regarding the duties of parish priests. 4. Finally, they point out that the very act of erecting the

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Canonry is...

[*Latin ed. p. 105*]

REG. 105: Nullum [objection]. Nam Vicarius Generalis beneficium erigere declaravit sua auctoritate ordinaria; et Capituli consensum exquirere neglexit. Parochus Ecclesiae, dell'Ospizio, aliquandiu acquiesivit, sed postea, ait ille, maxime commotus ab instantiis suorum parochianorum, petitionem obtulit Episcopo, ut Canonicos adigeret S. Prosperi ad sinendum, illum possessionem capere beneficii canonicalis; et Episcopus commissionem constituit trium Sacerdotum, qui re penitus examinata suam aperirent sententiam ad sternendam viam amicabili negotii compositioni. Votum commissionis fuit favorabile parochi desiderio. Cum parochus rescivisset sibi favorabile fuisse suffragium commissariorum, recursum habuit ad Sacratissimum Principem, ut possessio canonicatus sibi adiudicaretur, in supplici libello haec referens quoad conditionem fundi beneficialis oeconomicam. "Ora qui si aggiunge che il sopradetto passivo è pienamente pareggiato dall' attivo che si ritrae dai notati beni immobili senza nulla detrarre dalla rendita della dote." Scitu autem necessarium est aes alienum ad libellas 13,000, uti referunt canonici, contractum fuisse a parocho decessore, idemque onerare utriusque beneficii bona. Item adverti debet, hodie reditus beneficii canonicalis a parocho retrahi, et iure meritoque hoc fieri contendunt ipsi Canonici, advertentes, iam executionem nactam fuisse postremam voluntatem piae insti tu tricis quae, suppresso canonicatu, statuit huius bona accessura fore doti Ecclesiae parochiali. Quare modo quaeritur an canonicatus adhuc vigeat, eiusque iura et officia parocho competant. Episcopus de suo voto requisitus, permultis praemissis animadversionibus, censuit, canonicatum etiam nunc exsistere, quamvis eius reditus imminuti fuerint variis de causis, sed paroeciam et beneficium istud difficile in una persona componi posse; quamvis fundatrix dispensaverit canonicum a residentiae onere.

REGIEN. 105: None; for the Vicar General declared, by his ordinary authority, that he was establishing the benefice, and he neglected to inquire the consent of the Chapter. The parish priest of the church of dell'Ospizio acquiesced for some time, but afterwards, he says, greatly moved by the requests of his parishioners, he presented a petition to the Bishop, that he might bring in the canons of St. Prosper, so that he might take possession of the canonical benefice; and the Bishop constituted a commission of three priests, who, after thoroughly examining the matter, would express their opinion in order to pave the way for an amicable settlement of the business. The vote of the commission was favorable to the parish priest's desire. When the parish priest learned that the vote of the commissioners had been favorable to him, he appealed to the Most Holy Prince, so that the possession of the canonry might be granted to him, stating in a supplication the economic condition of the beneficial fund. "It is added that

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the aforementioned liability is fully offset by the assets that are withdrawn from the aforementioned real estate, without deducting anything from the income of the endowment." It is also known that a debt of 13,000 livres was contracted by the predecessor of the parish priest, as the canons report, and that this debt burdens the assets of both benefices. Furthermore, it must be noted that today the income of the canonical benefice is being withdrawn by the parish priest, and the canons contend that this is done justly and lawfully, noting that the execution of the will of the pious founder has already been carried out, which, after suppressing the canonry, stipulated that the assets of this [benefice] would be added to the endowment of the parish church. Therefore, the question is raised whether the canonry still exists, and whether its rights and duties belong to the parish priest. The Bishop, after being consulted on his vote, and after considering many of the aforementioned observations, judged that the canonry still exists, although its income has been reduced for various reasons, but that it is difficult to combine the parish and this benefice in one person; although the foundress dispensed the canon from the obligation of residence.

[*Latin ed. p. 106*]

106. REGULATION. Having considered the matters presented, the following observations are made concerning the question to be discussed today. Since it is established that the institution was legitimately made and that, from the time of its institution, the canonical burdens and rights have been observed, it does not seem to be a matter for inquiry whether such a benefice still exists, since no one claims that it has been extinguished. For the treasury itself does not intend to add its endowment to itself. The Canons state: "The Royal Domain, despite its vigilance in matters of annexation, and this Tribunal has demonstrated by its actions that it considers the endowment of the Canonry of Manfredi to be confused and incorporated with the parochial benefice of Ospizio, and therefore does not seize it, etc." However, if, in the actual foundation, conditions contrary to common law were added, and experience shows that the parish priest cannot fulfill the canonical burdens, then there is room for a dispensation regarding the beneficial burdens. But it is to be remembered that common law allows founders to add conditions contrary to common law, provided they are honest and possible; and that a benefice, once legitimately established, is subject to these conditions. This is taught by all Canonists, as Lotterius states in *De re benef.*, book 1, question 32, and Reiifenstuel, *De praeb.* and *dignit.*, number 110, which states: "If, indeed, a quality or law or condition added at the time of the foundation is, in itself, possible and honest, then it must be observed; notwithstanding that it is contrary to common law. The common gloss approved in *Cum dilectus* v. *Constitutum* states this. I believe this is sufficient regarding custom. Cardinal De Luca, *De benef.*, Disputation 95, number 10. Fagnanus, *Cum in cunctis*, numbers

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72, 73, *De elect.*, asserts that the Sacred Congregation held this view, and that the Rota followed it, in Decision 194, number 1, part 2, *Recent.* And Fagnanus illustrates this with the example of a canonry that can be conferred before the age prescribed by common law or by the Council of Trent, if such a condition is stipulated in the foundation. And such a condition in

[*Latin ed. p. 107*]

REGIEN. 107. "Concerning the erection of a Benefice, the Bishop may also grant permission." Therefore, it seems that no dispensation is required. However, the canons insist further, demanding the suppression of the benefice, if its extinction has not already been determined. For they report that the Parish Canons have been accustomed to attend the choir six or seven times a year; and they readily admit that this is most desirable, given the increasing burdens of parochial duties due to the ever-increasing number of parishioners. They note, therefore, that a loss would be incurred by the chapter and the parish priest from such a provision: for the parish priest is distracted from his office; and for the chapter, because with the extinction of this benefice, another could be established in the canonry from those which are currently available, having been recovered from the hands of the Fiscal by patrons; and which patrons would gladly dedicate them to this purpose. But this cannot be done unless one is extinguished, since the number of canonries is assigned to be twelve in the Collegiate Church of St. Prosper. Regarding the extinction or suppression of benefices, the Council of Trent, Session 24, Chapter 15, De ref., states: "In Cathedrals or Collegiate Churches where there are frequent and, indeed, meager benefices, together with daily distributions, so that they are not sufficient to maintain the proper dignity of the canons according to the quality of the place and the persons, it is permissible for Bishops, with the consent of the Chapter, to unite with them some simple benefices, not regular ones; or, if this cannot be provided for in this way, to suppress some of them with the consent of the patrons, if they are legally lay patrons, and to apply the fruits and revenues of the remaining benefices to the daily distributions, in order to reduce them to a smaller number, etc." However, the causes for the suppression of benefices are usually first known to the Sacred Congregation, as in the case of Caesenaten, September 25, 1728. And when the Chapter of the distinguished Collegiate Church of Taurent requested that one of the two parochial benefices of the place of Villar be suppressed in favor of the Chapter's table, the Sacred Congregation responded: "It is necessary to consult with His Eminence concerning the suppression of one of the two curacies first."

[*Latin ed. p. 108*]

108 REGISTRUM. To be filled out with application in favor of the chapter,

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regarding all revenues, except for the emoluments of the benefice, to be applied to another parish priest with the union of said cure. Zamoren. April 19, 1738. From the family of Manfredi, it appears that no one remains who exercises the active right of patronage. Considering these circumstances, the proposal was to examine whether there is a place for a dispensation regarding the beneficial obligations; or rather, for the suppression of the benefice in this case. RESOLUTION. The Holy Council, after discussion, on April 2, 1898, decided to respond: The canonry is to be maintained, and the parish priest should obtain an apostolic indult regarding the beneficial obligations.

TORTHONEN. LAST WILL. On January 29, 1898. Through Summary Prayers. Vincent Capelli, Bishop of Tortona, in the praise of his last will, established on March 18, 1888, in the second paragraph, regarding all goods possessed by him in the City of Tortona, designated D. Charles Gastaldi as the universal heir or legatee, with the substitution of D. Ambrose Daffra, so that the first, either would not or could not accept the inheritance. In the first paragraph, he testified "of all the goods established to have been received from the paternal inheritance, situated... in the town of Morsella near Vigevano, and he established as the universal heir or legatee - The Venerable Hospital of the Infirm of the same city of Vigevano, and he substituted with the same title the priest Achille Otto, with several expressed...

COMPENDIUM OF THE AGREEMENT.

[*Latin ed. p. 109*]

TORTHONEN. 109. Legates, both through the favor of relatives and through the favor of his own soul and the pious works of that city. - Then he added this codicil, as if it were a secret will. Ambrose Daffra, now Bishop of Ventimiglia, because he did not wish to accept the office of heir or universal legate, most religiously undertook to execute the will of the testator according to the law of substitution. After all the legates had been satisfied, there remained from the inheritance, by chance, twelve thousand livres, which were to be spent by the heir according to the express will in the codicil: "Regarding those that remain for the fulfillment of the legates of both paragraphs, I leave it to the conscience of the heirs to make the distribution in works of beneficence, favoring the Churches, and the poor, as they shall deem most fitting in the Lord." Furthermore, Daffra decided to purchase a house containing buildings for the Seminary, which had been unjustly taken from the Seminary itself by the Treasury. However, he states that, in reality, the price paid was 15,669.51 livres, so the legate paid 3,669.51 livres. After Daffra had renounced the office of Bishop of Ventimiglia and had taken possession of the See, he observed that pious works in his Diocese were greatly hindered by poverty, and he considered

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that he could justly and deservedly add to them the revenues from the house purchased; that is, from that house purchased with the remaining funds of the inheritance, to be spent "as the legates shall judge most fitting in the Lord." He communicated this intention to the Bishop of Torthonen, who declared that he could not agree to his brother's request; thus, the question arose as to what was more in conformity with the testator's will: the request of one or the denial of the other Bishop. Therefore, the question is reduced to this: what does the presumed will of the testator demand?

SYNOPTIC DISCUSSION: WHAT IS FAVORABLE TO THE OPINION OF THE BISHOP OF VENTIMIGLIA.

Among the first things, the intention of the Bishop of Ventimiglia seems clearly favorable.

[*Latin ed. p. 110*]

110. CONCERNING THE TESTATOR'S EXPRESS WILL: Provided that he did not appoint him as the executor of the testament, but rather as the absolute heir or universal legatee, which is the same thing. The heir, succeeding to the entire right of the deceased, after the payment of legacies, acquires dominion over the remaining hereditary goods by the law of inheritance. Reiffenst. explains the authority of the heir in *tit. De test.* and *ult. volunt.*, n. 394, stating: "The heir (whose name is derived from *hero*, because the ancients called heirs lords § end of *Instit. de hered. qualit.*) is he who succeeds to the entire right of the deceased, either by testament, according to the disposition of the testator, or by intestacy, according to the disposition of the law. Thus, in the common law, it is clear from I. Heredem 59 ff. And De R. I. ib.: 'It is clear that the heir has the same power and right as the deceased.'" It does not matter, says Daffra, whether the heir was instituted or is a universal legatee; since, in our laws, the solemnity of words is not considered in the institution of an heir, but rather their meaning; therefore, a universal legatee is truly an heir, since, according to I. Hereditas 62 ff. de R. L.: "An inheritance is nothing other than the succession to the entire right which the deceased possessed." Nevertheless, because it is permissible for the testator to dictate the law for his property or to add conditions that he wishes, the Bishop Capelli, with good reason, prescribed rules to his heir according to which the hereditary goods were to be used. But these rules, being limitations added to the right of the lord in the heir, are odious and must be strictly interpreted; hence, the principle holds: "Whenever there is doubt in the interpretation of freedom, the answer must be according to freedom," I. 20 ff. De Reg. Iur.; and De Luca, in *De fidecom.*, book 10, Decis. XXIII, n. 8, states: "The testator is considered to have intended what he did not expressly state." And the same author, in I. c. Decis. LXIV, n. 20, says: "What the testator omitted is considered to have been intentionally omitted." The Bishop Daffra testified that he intended, in purchasing the house, not to acquire it for the Seminary,

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but rather, in general, to support pious works from the revenues derived from it; and in fact, he had previously intended to donate it to the Hospital for female orphans of Torthonensis. Therefore, the legatee concludes, that the house was purchased in order, in ge-

[*Latin ed. p. 111*]

TORTHONEN. Here, he would have sufficiently fulfilled the will of the pious testator; and at the time of the purchase, he truly intended to grant these revenues to the city of Torthonen; indeed, he had even proposed to have his property registered in the public records by Canon D. Angelo Campi; but it seemed proper to him to change his plans when he found other pious works in his Diocese of Ventimiglia, which were in need of assistance. For the will of the testator was preserved in this way, by which he entrusted his heirs with the task of distributing funds to works of charity, benefiting the Churches and the poor, as they should judge most pleasing to God. WHAT FAVORS THE OPINION OF THE BISHOP OF TORTHONEN. On the contrary, the Bishop of Torthonen seems to have more reasons to support the idea of a larger number of things. For, upon closer examination, the Antistite of Daffra does not possess the simple quality of a universal heir, but rather that of a universal heir as a fiduciary or trustee. "A fideicommissum," says Reiffenstuel (L. c. n. 604), "is nothing other than the inheritance itself, or a part of it, which, by virtue of the final disposition, namely, the will or codicil, is requested or ordered to be transferred to another, or which, by virtue of said final disposition, must necessarily pass to others designated by the testator after the death of the heir." Therefore, this type of heir is truly a species of testamentary executor, who, in the administration of hereditary affairs, must not act according to his own judgment, but must adhere closely to the will of the testator. What the testator's intention was is clearly evident from the wording of the will. The author divided the testamentary clauses into two paragraphs; in the first, he states "all the goods received from the paternal inheritance... located" in the town of "Morsella near Vigevano"; in the second paragraph, he states the law regarding "the goods that I possess in the Diocese of this city." This division of the testator's assets clearly expresses a distinction between paternal goods and ecclesiastical benefices; and the former, as if by right of origin, are owed to the city of the testator's birth; the latter, by the right of ecclesiastical benefit, are left to the Church and the Diocesan city. Let each of these be considered in light of the opinions of the Canonists regarding beneficial goods.

[*Latin ed. p. 112*]

112. Regarding the diverse properties and obligations of benefactors concerning their expenditure, it is advisable to establish a common understanding that any remaining income from the benefaction should be allo-

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cated to pious causes, ensuring adequate support for the intended beneficiary.

Furthermore, the favor of a pious cause creates a presumption that goods left by the beneficiary originate from the patrimony of the benefaction, unless the contrary is proven. This presumption is supported by the Constitution "Quum Illud," issued by Pope Pius IX on June 1, 1847, concerning the hereditary division of sacred vessels left by bishops. In paragraph III, it states: "We also desire and command that bishops prepare an authentic inventory of sacred vessels, in which, for the sake of truth, they shall indicate when they acquired them and, with a special notation, describe those which they acquired from the revenues and resources of the Church, so that it may not be presumed that all of them were acquired from the revenues of the Church." It appears that the pious and merciful prelate conformed to these principles when, while still alive, he declared that he would leave property in "Vigevano" to the city, while leaving property acquired in "Torthona" to the diocese. Legitimate and authentic testimonies are presented to support this.

It cannot be said that the testator violated the law by bequeathing the remission of debts owed to him to both his nephew and his brother; for it is well known that both are considered among his closest relatives, and it is not the case that certain goods acquired from the benefaction are those called "castrenses" or quasi-castrenses, which pass into absolute clerical ownership, free from any pious obligation.

Regarding the acquisition of the house itself, the following should be noted. It appears that the intent of the legate in purchasing the house was to ensure that no permission would be required from the Holy See. For the buyer did not intend to acquire the property for himself, but rather to redeem it from the clutches of the grasping tax authorities, so that it could be restored to the pious cause. As the tax authorities had no legal right to seize the property, the buyer did nothing other than redeem the property from the imposed burden.

Therefore, since...

[*Latin ed. p. 113*]

TORTHONEN. 113. It is established that permission was granted by the Holy See to examine the purchase or transfer of property from the Seminary to the buyer; it appears that the matter concerns the fact that the house is still within the domain of the Seminary. – The legate has completely satisfied the testator's will by paying the full amount of the inherited revenue; but it now appears that the matter has been completed and settled to such an extent that the rule of law, which states that once something has been approved, it cannot be disapproved, should be invoked. – However, the revenue derived from this redemption, rather than the purchase, undoubtedly belongs exclusively to the Church of Torthonen; for the goods attributed

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to the Seminary already have a certain preferential and private attribution, until otherwise decided by the Holy See. But the legate has spent something of his own in purchasing the house, and in this, there is undoubtedly room for appropriate compensation. With these things noted, the question was raised as to what should be answered in prayer. RESOLUTION. The Sacred Congregation, after deliberation on January 29, 1898, decided to respond: "It is pleasing to grant permission; and it shall be written according to the meaning." FROM THE HOLY CONGREGATION FOR RITES. Concerning the beatification and canonization of the Servant of God, John Häm, Bishop of Szathmar. The writings attributed to the Servant of God, John Häm, Bishop of Szathmar, and those documents which, having been duly examined, were presented to the Sacred Congregation for Rites, so that a review and examination thereof might be undertaken for the purpose of proceeding with the decrees, are described in the following list: namely: (follows a list of writings). When, however, the undersigned Cardinal, Prefect of the Sacred Congregation for Rites and Relator in this cause, in the ordinary meetings of the Sacred Congregation itself, held in Vatican on the date indicated below, a doubt arose regarding the approval of these writings after the review, Vol. XXXI, page CCCLXII, 8.

[*Latin ed. p. 114*]

114. After having considered the matter, and after having heard the Reverend Father John Baptist Lugari, Promoter of the Faith, the Most Eminent and Reverend Fathers, Prefects of the Sacred Congregation for the Propagation of the Faith, judged it fitting to write: "Nothing prevents proceeding further, reserving, however, the right for the Promoter of the Faith to object, if and to the extent that it is legally permissible." July 5, 1898. Subsequently, the aforementioned matters were reported to His Holiness, Pope Leo XIII, by the undersigned Cardinal Prefect, and His Holiness deigned to confirm the Decree of the Sacred Congregation, on the same day and year.

C. CARD. S. MAZZELLA, Bishop of Praenestinus, Prefect.

L.'S. DIOMBDES PANICI, Secretary of the Sacred Congregation.

Concerning the beatification and canonization of the venerable Servant of God, Caesar Franciotti, priest, of the Congregation of Regular Clerics of Matris Dei.

Inspired by the Divine Spirit, David sang of the Ascension and glory of Christ, and of the propagation of the Church throughout the world under Peter, and with Peter, and his successors: "Be thou exalted, O God, above the heavens: and thy glory above all the earth." This exaltation of Christ and the Church is greatly promoted by that select multitude of Servants of God who, following the example of the Head of Christ, and having set before them the glory of the Divine Name, have devoted all their strength to this very purpose. Among these, it pleases us to mention Caesar Franciotti, a priest of the Congregation of Regular Clerics of Matris Dei. He was born

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in the noble city of Lucensi, and baptized in the church of the Most Holy Sacrament and Reparation on July 4, 1557. From his parents and instructors in Christian piety and doctrine, he received the seeds which, with the help of God, he cultivated and brought to abundant fruit. Among the religious of the Order of the Preachers, residing in the Convent of S. Romana, he showed great devotion to the Mystery of the Most Holy Eucharist. As a young man, entrusted to the care of the Blessed John Leonard, he made remarkable progress under this master, both in logic and in piety, together with his brother, Julius, while living in the same house with the aforementioned Blessed.

[*Latin ed. p. 115*]

From the Sacred Records, the venerable John Cioni, Servant of God, related by blood, conceived the idea, prompted by Caesar, that he should embrace the state of perfection through the religious life. This plan, encouraged by those men, was to be matured through pious exercises and constant prayer to God. However, the Father only learned of such a plan through certain indications, and he summoned his son to him, but the Servant of God did not fail to frequently request Blessed John to admit him among the students of the nascent Congregation of regular clerics from Matris Dei. With the subsequent encouragement of the Bishop of Lucensi and with the permission of his father, Caesar, clothed in clerical garb, again departed for studies with John. Having been approved by the eminent man, as if by the most rigorous censor, and deemed fit to progress on the path to perfection, the Servant of God saw this path further blocked by the canonry in the Cathedral Church of Lucensi offered to him, his father urging him to accept it. Victor, returning from the competition and having made a vow, entered the religious life of the Congregation from Matris Dei, and, at the appointed time, was promoted to the sacred orders and to the priesthood, and lived a life of active obedience and charity, preaching to the people, hearing confessions, writing books, reconciling enemies, assisting others with doubtful and anxious matters, and exercising other acts of charity, like an angel in human form, among the people, especially of Lucensi, Florentini, Senensis, Ianuensis, Romano, and Neapolitani. Among his many sacred and moral works and historical writings, which are widely celebrated and have been published repeatedly for the good of the faithful and for the increase of piety, those concerning the Most Holy Sacrament of the Eucharist hold the first place, for they were a true treasure in the heart of the Servant of God, from his infancy until his death. He, who in life had given evidence of honors and ecclesiastical dignities, always sought the last place in religion, and he accepted and exercised an office only once, out of obedience to his superiors: at all times, he was most diligent in the observance of the rule, in evangelical counsels, and in the common life, both in himself and in his companions. The Servant of God, Aloysius Gon-

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zaga, his contemporary and companion, was highly esteemed by the Cardinals Bellarmino, Baronio, Mellino, and by the Roman Pontiff Clement VIII himself, and was praised as worthy of proclaiming the Gospel. The Apostle of Rome, Philip Neri, among the members of the Congregation of the Oratory, desired Caesar, offering Caesar for Caesar, that is, Baronio for Franciotto. Finally, one year before his death, due to the labors undertaken, his strength...

[*Latin ed. p. 116*]

116. The Emperor, having broken the established order, fell ill with a persistent fever and was compelled to remain in bed, thereby giving a most exquisite example of virtue. He frequently received the Sacraments of the Church and spoke to visitors about heavenly matters, especially young students, whose spiritual songs delighted him so much that he seemed to have tasted the hymns of the Angels in the heavenly homeland. On the day of his death, having been strengthened with the most holy viaticum and fortified with the sacred oil of the infirm, after addressing those present, he fixed his eyes intently on the image of the Crucified Christ, contemplated Him with his soul and body, and, kissing Him gently, passed away peacefully around the evening hour of the Angelic Salutation, on December 9th, in the year 1627. A very large gathering of citizens from all orders came to the funeral, and the name and merits of the Emperor were invoked; even children and infants proclaimed his sanctity. Afterwards, the body, guarded by four priests, was transported at night from the public Church to a private oratory, where it was to be painted and then examined by surgeons according to custom. Later, it was given a special tomb and was placed before the altar of the Most Holy Sacrament in the aforementioned Church, as a sign of the devotion and love with which the Servant of God lived for this ineffable Mystery. The fame of this sanctity, both before and after the death of the Servant of God, was so great that an inquiry was duly conducted by the ecclesiastical court of Lugo, and, together with letters of recommendation from persons of great importance, both ecclesiastical and civil, was presented to the Congregation of Sacred Rites in the year 1701. However, according to God's will, throughout this time, no doubt was raised concerning the introduction of the cause in the same Sacred Congregation. Recently, at the urgent request of the Reverend Father Corrado, Postulator of the Congregation of Regular Clerics of the Mother of God, and after a supplementary process for Luke was completed, and presented to the Sacred Congregation along with fifty letters of recommendation, or a group of respectable men, among whom were three Eminent Cardinals and several prelates, decrees were issued on December 12, 1895, concerning the approval of the writings, and on September 28, 1896, concerning the proposal to introduce the cause without the intervention and vote of the Consultors. Then, the Cardinal Prefect of the aforementioned Sacred Con-

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gregation and Relator of the Cause in the Ordinary Assemblies, signed the following question to be discussed at the Vatican, on the date mentioned:

[*Latin ed. p. 117*]

FROM THE SACRED RITUALS, number 117: "Is a commission for the introduction of a cause to be signed in the case and with the effect of which we are speaking?" And the aforementioned Sacred Congregation, after hearing the report of the undersigned Cardinal Prefect, having carefully considered all matters, and after hearing the voice and written opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Office, decided to respond: Affirmative, that is, the commission is to be signed, if it pleases the Most Holy. July 5, 1898. Subsequently, the aforementioned matters were brought to the attention of Our Most Holy Lord Pope Leo XIII by the undersigned Cardinal, and His Holiness approved the decision of the Sacred Congregation and deigned to sign the commission for the introduction of the cause of the Venerable Servant of God, Caesar Franciotti, on the eleventh day of the same month and year. CAMILLUS CARD. MAZZELLA, Prefect of the Sacred Congregation. SECRETARY OF THE SACRED CONGREGATION. L. DIOMEDES PANICI.

Concerning the confirmation of the cult rendered from time immemorial to the Servants of God Adamnan, Beano, Blaano, Colmano, Comgano, Constantinus, Donnanus, and their companions, the martyrs Drostanus, Duthacus, Fergustus, Finanus, Foelanus, Luanus, Macharius, Magnus, Malrubius, Nathalanus, Palladius, and Talaricus, the blessed and saints named.

In Scotia, the ecclesiastical hierarchy, established by Our Most Holy Lord Pope Leo XIII through Apostolic Letters dated March 4, 1878, has given hope to the bishops, clergy, and people of that region, united in faith and in the Catholic communion, that, not long ago, they would present their wishes to the Holy See of Peter. For they desired that the ancient cult rendered to certain Servants of God there, and which was extirpated in the sixteenth century after being rescued from heresy, be restored and confirmed by the Supreme Authority of the Church. This hope, increased by the desire and expectation, has become a reality due to recent testimonies of pastoral concern given by the Most Blessed Father to the Catholics of England and Ireland, in similar cases of recognized and approved cult. Therefore, the Reverend Aeneas Macdonald, Archbishop of St. Andrews and Edinburgh, together with the Reverend Suffragan Bishops, concerning the cause of the immemorial cult of many Servants of God, through a humble letter sent the previous year to the Most Holy.

[*Latin ed. p. 118*]

1 18 From the Sacred Congregation of Rites, Our Lord requested and, through the most auspicious decree given on January 24th of this year, obtained an Apostolic dispensation for the celebration of these feasts in each

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Ordinary Inquiry, provided that the procedural form of proofs be observed through suitable documents presented to the Sacred Congregation of Rites, in order to effect that which is sought. The aforementioned servants of God are: "Adamnanus, Beanus, Blaanus, Colmanus, Comganus, Constantinus, Donnanus, and their companions, martyrs, Drostanus, Duthacus, Fergustus, Finanus, Foelanus, Luanus, Macharius, Magnus, Malrubius, Nathalanus, Palladius, and Talaricanus." Therefore, in order to promote the public and ecclesiastical cult and the lasting memory of these, authentic historical, sacred, and liturgical documents were presented, both from the Martyrology of Edinburgh, which the Church of Aberdeen used at the beginning of the 16th century, and from other Martyrologies of Tallacht of the 8th century and of Dungall, and also from ancient calendars of saints of Scotland, especially that of Nova Farina of the 15th century, and from the Missal of Drummoden of the 11th century, which was found in the Palace of Drummoden, in the diocese of Dunkeld, and finally from the Breviary of Aberdeen, published in 1509 for the use of the entire Church of Scotland. From all of these documents, and from others more recent obtained from the Annuario, published with the authority of the Bishops of Scotland, it was inferred that, from ancient times, in many places of Scotland, feasts or solemnities had been instituted in honor of the aforementioned servants of God, with offices and Masses, and with the devout attendance of clergy and people, and that these had been called Blessed and Saints, renowned for their merits, patronage, and miracles. Of these servants of God, as is evident from the documents, Constantinus, King, Malrubius, Magnus, and Donnanus, along with their companions, were adorned with martyrdom; and among the Confessors, not Pontiffs, are Beanus, Blaanus, Colmanus, Duthacus, Fergustus, Finanus, Luanus, Macharius, Nathalanus, Talaricanus, and Palladius, who, after the last Roman Pontiff, was sent to Scotland with his companions to preach the faith, and was the Apostle of the Scots in name and deed. The others, Adamnanus, Comganus, Drostanus, and Foelanus, are added to the number of Confessors, but not of Pontiffs, being endowed with abbatial dignity. Wherefore, since all was prepared for this Cause concerning the lasting cult to be considered by the Sacred Congregation of Rites, at the urgent request of the Most Reverend Archbishop of St. Andrews and Edinburgh, together with the other Bishops of Scotland, through a special...

[*Latin ed. p. 119*]

From the Sacred Congregation of Rites, number 119, the Reverend Robert Fraser, Rector of the College of Scots in Rome, proposed the following question for discussion at the Ordinary Meetings of the Sacred Congregation, held at the Vatican on the date indicated, and signed by the Most Eminent and Reverend Cardinal Lucidus Maria Parocchi, Bishop of Porto and Santa Rufina, Relator for this cause: "Does it pertain to

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the public ecclesiastical worship rendered from time immemorial to the aforementioned servants of God, or to an exception to the decrees of the Most Holy Urban VIII?" And the Most Eminent and Reverend Fathers presiding over the Sacred Rites, having carefully considered all matters, and having also heard the opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Office, decided to respond: "Affirmatively, that is, it pertains." On July 5, 1898. Having reported all of the above to His Holiness, our Lord Pope Leo XIII, through the undersigned Cardinal Prefect of the Sacred Congregation of Rites, His Holiness approved and confirmed the decision of the Sacred Congregation itself, on the eleventh day of the same month and year. C. CARD. MAZZELLA, Prefect of the Sacred Rites. L. * S. DIOMDBBS PANICI, Secretary.

From Rome, or Paris, concerning the Beatification and Canonization of the Venerable Servant of God, Magdalena Sophia Barat, foundress of the Society of Sisters of the Sacred Heart of Jesus. At the request of the Most Illustrious and Reverend Raphael M. Virili, Archbishop of Urban, Postulator for the cause of the Venerable Servant of God, Magdalena Sophia Barat, the Most Eminent and Reverend Cardinal Caietan Aloisi-Masella, Relator for the same cause, at the Ordinary Meetings of the Sacred Congregation of Rites, held at the Vatican on the date indicated, and in accordance with the special dispositions of His Holiness, our Lord Pope Leo XIII, issued in the years 1878 and 1895, proposed the following question for discussion: "Does it pertain to the validity of the processes, both those conducted by Apostolic and Ordinary authority; whether the witnesses were duly and properly examined, and whether the testimonies were legitimately obtained, in the case and for the purpose under consideration?" The Sacred Congregation of Rites, having carefully considered all matters, and having also heard the opinion in writing of the Reverend Father John Baptist Lugari, Promoter of the Holy Office, decided to respond: "Affirmatively, that is, it pertains." On June 28, 1898.

[*Latin ed. p. 120*]

120 FROM THE SACRED CONGREGATION OF RITES. Subsequent to the aforementioned matters, the Most Holy Pope Leo XIII, through the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, received a report. His Holiness approved and confirmed the judgment of the Sacred Congregation itself on July 3rd of the same year.

C. CARD. MAZZELLA, Prefect of the Sacred Congregation of Rites.

L. * S. DIOMEDES PANICI, Secretary of the Sacred Congregation of Rites.

FROM THE THIRD GENERAL CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION. A question was posed: Whether the faculties which the Bishops have already obtained can be said to have been granted by the Apostolic See, according to the decree of April

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20, 1898.

Feria IV, June 23, 1898.

The aforementioned Congregation, on Feria IV, November 24, 1897 (1), decreed that the clause regarding the faculties granted to Bishops, which was to be suppressed during their tenure, should be maintained, and that the other provisions of the decree of February 20, 1888 (2), numbers 1 and 2, should be followed, namely:

"1. All habitual faculties are henceforth to be conferred upon the Ordinary of the place.

2. Appeals shall be made from the Ordinary, whether he be a Bishop, Administrator, or Apostolic Vicar, or a Prelate or Prefect having jurisdiction over a separate territory, or his officials or vicars general, and in the case of a vacant see, from the Capitular Vicar or the legitimate administrator."

Therefore, the proposal was put to the same Sacred Congregation: Whether the concessions already made to Bishops by the Apostolic See should be understood in the sense of the aforementioned decree.

Furthermore, in the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent Lords Cardinals, General Inquisitors for matters of faith and morals, the aforementioned question was carefully considered.

(1) You have this decree in Volume XXX, page 627.

(2) See Volume XX, page 543.

[*Latin ed. p. 121*]

From the Sacred Congregation 121, and with the vote of the Most Reverend Fathers Consultors, the same Most Reverend Fathers decreed: The Declaration of the Holy Office, made concerning the granting of faculties, from the 4th day of December, 1897, is extended to faculties already previously granted, so be it. Subsequently, on the following Saturday, the 25th day of June, 1898, during the usual audience granted to the Most Reverend Father Assessor, a report on all of these matters was presented to His Holiness Pope Leo, of Divine Providence, Pope XIII, and the Holy Father approved the resolution of the Fathers, notwithstanding any objections.

I. Canon Mancini, S.R. and U.I. Notary, concerning the Parochus, who attends to a dying Catholic, civilly bound to an infidel. December 4, 1898. The following questions were proposed to the Most Reverend and Most Illustrious Congregation of the Holy Office:

I. How ought a parish priest or priest to act who, being called to a Catholic man or woman who is at the point of death and is already civilly bound to an infidel, finds him or her almost deprived of his or her senses? If the parish priest has aroused him or her to contrition and has absolved him or her under condition, can he also "admit him to ecclesiastical burial"?

II. How ought a parish priest or priest to act in the aforementioned case

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if the dying person is completely deprived of his senses?

III. What if this dying person is of sound mind and there are baptized children, whom civil law recognizes as legitimate?

IV. What if the children are not baptized?

V. Should the children born of a Hebrew mother, after the death of a Catholic father, be baptized, if the children were baptized during the civil union?

Furthermore, in the General Congregation held by the Most Reverend and Most Illustrious Cardinals, Inquisitors General in matters of faith and morals, after carefully considering the aforementioned questions, and with the vote of the Most Reverend Fathers Consultors, the same Most Reverend Fathers decreed:

[*Latin ed. p. 122*]

122 FROM THE SACRED INQUISITION To J. Be it known that the Sacred Penitentiary replies as follows: "Concerning a person who dies unconfessed and without having received the Sacraments, but who, before death, had desired the ministrations of a priest, from whom he was found dead or deprived of his senses, and who showed signs of repentance, such as kissing the Crucifix or performing other acts of piety, should the parish priest deny him burial? – Reply: In such cases, if signs of repentance are evident, ecclesiastical burial may be granted, but without ecclesiastical pomp and solemnities. However, if extraordinary circumstances are present in any case, the parish priest should consult the Ordinary and follow his instructions." To II. Consult approved authors, and especially Saint Alphonsus M. de Liguori, Book VI, chapter 483. To III. The Bishop or parish priest may use the faculty granted by the Ordinary on February 20, 1888, with the renewed consent and given guarantees. To IV. If there is a reasonable hope that such children may, in due time, be instructed in the true religion, then, with the necessary guarantees, they should be baptized. But if such moral hope cannot be reasonably held, then, unless the children are found to be at the point of death, they should not be baptized; and it is to be noted that the parish priest must take care to ensure that, with the necessary guarantees, the children are baptized and educated in the Catholic religion, as the Church already has this right over them. – Regarding a dying Catholic who is of sound mind, inquiries should be made to ensure that the aforementioned conditions can be met. To V. If the children have not yet been baptized, the provisions mentioned above apply. But if they have been baptized, then care must be taken to ensure that they are instructed and educated in the Catholic religion. Subsequently, on Thursday, July 8th of the same year, 1898, during the usual audience granted to the Reverend Father D. Assessor, a report on all of these matters was presented to His Most Holy Lordship, Pope Leo XIII, and the Most Holy resolution of the

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Fathers was approved. i. Canon Mancini, S.R. and U.L.

[*Latin ed. p. 123*]

123 FROM THE SACRED ORDER OF THE HOLY INQUISITION: A certain priest, in which the host, before being touched, fell to the ground. Most Blessed Father, the parish priest N. N., prostrate at the feet of Your Holiness, humbly requests that a doubt which has long troubled his conscience regarding the validity of his priestly ordination be authoritatively resolved. When the bishop ordaining him delivered the chalice and paten with the host, the host fell to the ground before it was touched and before the formula "Accipe potestatem" was pronounced. The priest being ordained noticed the host had fallen, and it was no longer in the paten before the formula was pronounced, and he informed the Master of Ceremonies, so that, in order not to disturb the bishop, and so that he would not believe otherwise, he let the matter pass. – So it was reported. Fer. IV, on the 6th of July, 1898. In a General Congregation held before His Eminences and Most Reverend Cardinals, Inquisitors General in matters of faith and morals, concerning the aforementioned doubt, and with the vote of the Most Reverend Consultors having been presented, the same Eminences and Most Reverend Fathers decreed: Considering that the host evolved into the ground in the presence of the instruments before the touch of those same instruments, the ordination must be repeated in its entirety, under condition and in secret, on any day, with the words spoken to the Most Holy, so that it may suffice from the Treasury of the Church, so that it may be for the Masses celebrated by the ordained priest. Subsequently, on the following Thursday, the 8th of the same month of July, 1898, during the usual audience granted by the Reverend Father Assessor, a report on all of these matters was made to Our Most Holy Father Leo, Divine Providence, Pope XIII, and the Most Holy Father approved the resolution of the Eminences and granted grace. I. Can. MANCINI S. R. et U. 1. Not.

[*Latin ed. p. 124*]

124 FROM THE SACRED CONGREGATION: A QUESTION arises concerning the validity of the ordination of a priest, in which the ordaining prelate, at the second imposition of hands, kept them joined together before the chest, and then separated them. Most Reverend Lord, Bishop N. N., having received notification, or rather, a consultation, regarding the validity of the ordinations of certain priests; in order that, in this matter of such great importance, he might proceed with greater security, he deemed it prudent to refer the entire matter to this Sacred Congregation, and to await a solution to the doubt from it. Therefore, the case is as follows: Several years ago, before the Bishop who is the speaker of this Diocese assumed the governance and administration, it happened that the general ordinations were celebrated at the customary time; and when, after the conferral of

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the other orders, it came to the ordination of priests, at the place where the right hand is extended over the heads of those being ordained, with the prayer "Oremus fratres carissimi, etc.," which is found in the Pontifical, the Prelate, being involuntarily distracted, recited that same prayer with his hands joined before his chest; which, noticing this, one of the clerics present, fearing that this might affect the validity of the ordination, quickly and reverently separated the Prelate's hands, who, with his hands thus separated before his chest, completed the preceding prayer and continued to the end. Given this, the doubt arises, and consequently, the Bishop, the speaker, humbly asks this Sacred Congregation: I. Whether the extension of the Bishop's hands before the chest could have supplied for the extension of the right hand over the heads of those being ordained, and consequently, whether the ordination of those candidates should be considered valid. And, in the negative, to both; II. Whether, and in what manner, it should proceed to remedy that defect, given that those who were thus ordained, who were two in number, are still living. Thursday, July 6, 1898. In the General Congregation of the Holy Roman Church and Universal Inquisition, held by the Most Holy and Most Reverend Cardinals, Inquisitors General for the Faith and Morals, after the aforementioned doubts had been proposed and carefully considered.

[*Latin ed. p. 125*]

From the Sacred Congregation for the Inquisition, document 125, after incurring certain expenses, and with the prior vote of the Most Reverend Consultors, the Most Reverend Fathers decreed the following: Having considered the matters presented, the aforementioned priests are to be reordained in their entirety, under the same conditions and with the same secret, on any day, after having been informed of this, so that even from the treasury of the Church, provision may be made for the Masses celebrated by the priests. Subsequently, on the sixth of July, 1898, during the customary audience granted to the Reverend Father Assessor, after a report on all of these matters was made to Our Most Holy Father Leo XIII, the Most Holy resolution of the Most Reverend Fathers was approved, and grace was granted.

I. Canon Mancini, S.R. and U. Inq. Not., poses the following question: Is the validity of the presbyteral ordination doubtful, in which the Bishop, during the second imposition of hands, did not hold them upon the head of the one being ordained; however, he did so after adjusting the stole upon the chest of the same one being ordained?

Most Reverend Father, the Bishop N. N. placed both hands upon the head of each of those being ordained. The assisting priests also did the same. However, while reading the prayer or exhortation, "Oremus fratres, carissimi, etc.," through inattention, neither the Bishop nor the assisting priests had their hands extended over all those being ordained. The sacred

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function continued until the words, "Accipe iugum Domini, etc.," and then the stole was adjusted before the chest in the form of a cross. After these words, having noticed the omission of the imposition of hands, he, in a low voice (so that he might be heard by those present), repeated the exhortation, "Oremus fratres, carissimi, etc.," along with the following prayer, and he alone had his hands extended over those being ordained. Afterwards, he resumed the function from the words: "Accipe vestem Sacerdotalem, etc." Therefore, the Bishop, prostrate before the Holy Father, humbly asks whether this ordination was valid.

On the fourth of July, 1898, in the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Reverend and Most Illustrious Cardinals concerning matters of faith and morals.

[*Latin ed. p. 126*]

126 FROM THE SACRED CONGREGATION OF THE INQUISITION. To the General Inquisitors, concerning a doubt presented with due deliberation, and after the vote of the Most Reverend Consultors was taken*, the Most Reverend Fathers decreed as follows: The ordination was valid in that case. Subsequently, on Thursday, the 8th of the same month of July, 1898, during the customary audience granted to the Reverend Father Assessor, a report of all these matters was presented to Our Most Holy Lord Leo, of Divine Providence, Pope XIII, and the Most Holy resolution of the Fathers was approved. I. Canon Mancini & R. and U. Inquisitor, Notary of the Congregation for Indulgences of LINZ. Concerning the general absolutions, or Benedictions, granted to the Religious Sisters of the Third Order of Saint Francis. The Bishop of Linz dares to propose the following doubts to this Congregation concerning the granting of the Benediction with an Indulgence, which is also called the general absolution, to the Religious Sisters of the Third Order of Saint Francis: I. Whether the ordinary or extraordinary confessor of a Sister of the Third Order of Saint Francis, who lives in a community and is subject to the jurisdiction of the Bishop, should be considered a delegate for granting the Benediction with a plenary Indulgence? II. Whether the days on which this Benediction can be granted to these Sisters are those indicated in the Directory of the Order of the Friars Minor for the general absolution, or are they those on which the laity of this Order enjoy such a privilege? The Sacred Congregation was commanded to respond to the aforementioned doubts as follows: To I: Affirmative. To II: Affirmative in part; Negative in the second part. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 13th of July, 1898. FR. HIERONYMUS M. CARD. GOTTI, Prefect. L. S. F. A. ARCHIEP. ANTINOEN, Secretary.

[*Latin ed. p. 127*]

FROM the Decree of the Sacred Congregation for Indulgences, num-

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ber 127, concerning indulgences granted throughout the entire Church, by which all indulgences of a thousand years or more are revoked. Since this Sacred Congregation, entrusted with the administration of Indulgences and Sacred Relics, by its very institution has the duty of ensuring that false and apocryphal, or already revoked, indulgences are not rashly dispensed to the Christian people, it has repeatedly inquired whether indulgences of a thousand years, or even more, which are found in certain collections and even in Pontifical Constitutions, are to be considered as genuine, or rather, are to be rejected as apocryphal, especially because they seem excessive. Furthermore, this Sacred Congregation has generally observed that the granting of the aforementioned indulgences is, for the most part, based on no solid or valid foundation, and has also considered what the Most Holy Tridentine Council, in Session 25, Chapter XXI, concerning Indulgences, decreed, namely that moderation should be exercised in granting indulgences, so that the ecclesiastical discipline is not weakened by excessive leniency; therefore, it seemed fitting, as it is accustomed to do in other matters, to revoke and abolish all indulgences that reach the number of a thousand years or more, regardless of whether they are considered genuine or apocryphal: for this seemed to be required by the changed circumstances of the times, and by the current discipline of the Church. Therefore, the Fathers entrusted with this Sacred Congregation, at the general meetings held in Vatican on May 5, 1898, after mature deliberation, unanimously decided: that all indulgences of a thousand years or more are to be entirely revoked, if it pleases His Holiness. After a report on these matters was made to His Holiness, Pope Leo XIII, in an audience held on May 26, 1898, by the undersigned Cardinal Prefect, His Holiness approved and confirmed the judgment of the Most Eminent Fathers, and ordered that, by a general decree, all indulgences of a thousand years or more, which have hitherto been granted or are said to be granted, are to be declared revoked, and are to be considered as revoked by all. Contrary opinions notwithstanding.

[*Latin ed. p. 128*]

128 FROM THE SACRED CONGREGATION FOR INDULGENCES. Issued in Rome, from the Secretariat of the same Sacred Congregation, on the 26th of May, 1898. FATHER HIERONYMUS M., CARDINAL GOTTI, Prefect. L. CFR. S. F. ANTONIUS, ARCHBISHOP OF ANTINOEN, Secretary. SUBSTITUTED: JOSEPH M., CANON COSELLI. FROM THE SACRED CONGREGATION FOR EXTRAORDINARY AFFAIRS. AUTHENTIC DECLARATION. Concerning the validity of the Apostolic Letters "Trans Oceanum" dated the 18th of April, 1897, in all the Antilles and other islands of the Caribbean Sea (1). FROM THE AUDIENCE OF THE MOST HOLY FATHER, on the 16th of August, 1898. On the proposal of certain prelates of the colonies of the Antilles Sea, a doubt was raised

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concerning the validity, within the territory subject to their jurisdiction, of the Apostolic Letters "Trans Oceanum," issued by the Most Holy Pope Leo XIII on the 18th of April, 1897. The same Holiness, referring to me, the undersigned Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, declared as follows: The aforementioned Apostolic Letters "Trans Oceanum" are valid in all the Antilles and other islands of the Caribbean Sea, whatever civil jurisdiction they may be subject to. And thus, Holiness commanded that this be made public and observed, without any exception whatsoever. Given in Rome, from the Secretariat of the same Sacred Congregation, on the day, month, and year mentioned above. FELIX CAVAGNIS, Secretary. (1) See *Recueil*, Vol. XXIX, 659, and Vol. XXX, 698.

[*Latin ed. p. 129*]

129 ENCYCLICAL LETTER from the Most Holy Pope Leo XIII to the Bishops, Clergy, and People of the nation of Italy. Frequently, during Our Pontificate, moved by the sacred reasons of the Apostolic ministry, We have had to raise Our voice and offer protest concerning actions undertaken, to the detriment of the Church and religion, by those who, due to well-known circumstances, govern the public affairs in Italy. — It grieves Us to have to do so again, regarding a matter of utmost gravity which fills Our soul with profound sadness. We intend to speak of the suppression of so many Catholic institutions, decreed not long ago, in various parts of the Peninsula. This undeserved and unjust measure has aroused the reprobation of every honest soul, and, to Our sorrow, We see that the offenses suffered in past years are being compounded and intensified. Although the matter is well known, Venerable Brothers, We deem it opportune to recall the origins and the necessity of these institutions, the fruit of Our solicitude and of your loving care, so that all may understand the thought that inspired them and the religious, moral, and charitable purpose to which they were directed. After the civil principate of the Popes had been overthrown, in Italy, the Church, the Catholic Church, was gradually deprived of its elements of life and action, of its natural and age-old influence in public and social affairs. Through progressive and coordinated acts, monasteries and convents were closed; the greater part of the Church's patrimony was dissipated through the confiscation of ecclesiastical property; clerics were subjected to military service; the freedom of the ecclesiastical ministry was hampered by arbitrary and unjust regulations; persistent efforts were made to erase the religious and Christian imprint from all public institutions; dissenting cults were favored, while the most extensive freedom was granted to Masonic sects, while odious intolerances and vexations were reserved for that one religion which has always been the glory, the safeguard, and the strength of the Italians. We have not failed to lament these grave and repeated attacks. We lamented them on behalf of Our holy religion,

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exposed to supreme dangers; We lamented them also, and... [The text is incomplete.]

[*Latin ed. p. 130*]

430 ENCYCLICAL LETTER: We say this with the utmost sincerity of Our heart, on behalf of Our homeland: for religion is the source of prosperity and greatness for a nation, and the primary foundation of every well-ordered society. Indeed, when the religious sentiment, which elevates and ennobles the soul, and which deeply impresses upon it the notions of what is right and honorable, is weakened, man inclines and surrenders to savage instincts and material interests; and from this, as a logical consequence, arise rancor, divisions, depravations, conflicts, and the disturbance of order, to which evils neither the severity of laws, nor the rigor of tribunals, nor even the use of armed force, can provide certain and sufficient remedies. — We have repeatedly warned, in public acts addressed to the Italians, those to whom the formidable responsibility of power is entrusted, of this natural and intrinsic connection between the decline of religion and the development of a spirit of subversion and disorder, showing the inevitable progress of socialism and anarchy, and the endless evils to which they expose the nation. — But We were not heard. Petty and sectarian prejudice veiled intelligence, and the war against religion was continued with the same intensity. Not only were no measures taken; but from books, newspapers, schools, chairs, circles, theaters, the seeds of irreligion and immorality were widely sown, to undermine the principles by which the strong and honorable customs of a people are guided, and to spread maxims from which inevitably follows the perversion of the intellect and the corruption of the heart. We, therefore, Venerable Brothers, seeing the perilous and gloomy future of our country, believed that the time had come to raise Our voice, and We said to the Italian Catholics: religion and society are in danger: it is time to exert all your activity, opposing the invading evil with a barrier through words, through deeds, through associations, through committees, through the press, through congresses, through institutions of charity and prayer, through all means, finally, peaceful and legal, that may be employed to maintain in the people the religious sentiment and to alleviate their misery, a bad counselor, made so profound and extensive by the depressed economic conditions of Italy. — We recommended these things repeatedly, and in particular in the two Letters already addressed by Us to the Italian people: in that of October 15, 1890, and in the other of December 8, 1892.

[*Latin ed. p. 131*]

It is here pleasing to declare that Our exhortations have fallen on fertile ground. Through your generous efforts, Venerable Brothers, and those of the clergy and the faithful entrusted to you, joyous and salutary effects

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were achieved, from which even greater ones could easily be foreseen in the near future. Hundreds of associations and committees arose in various parts of Italia, and from their tireless zeal originated rural credit unions, economical kitchens, economical dormitories, festive recreation centers, catechetical works, assistance to the sick, protection of widows and orphans, and many other beneficial institutions, which were greeted with gratitude and blessings by the people, and often received well-deserved praise even from men of other parties.

And the Catholics, as is their custom, in the execution of this praiseworthy Christian activity, having nothing to hide, showed themselves openly and consistently remained within the bounds of the law. But then came the mournful events that, accompanied by riots and bloodshed, afflicted some districts of Italia. No one more than We suffered in spirit and was moved by that sad spectacle. However, We thought that in the origins of those seditions and those fraternal struggles, those who direct public affairs would recognize the disastrous, but natural, fruit of a widespread and deeply rooted evil that has been constantly spread throughout the Peninsula; We thought that by tracing the effects back to their causes, and drawing profit from the harsh lesson received, they would return to the Christian norms of social order, by which nations must be renewed, lest they perish, and therefore they would uphold the principles of justice, integrity, and religion, from which the material well-being of a people primarily derives.

We thought, at least, that in seeking out the authors and accomplices of those uprisings, they would be warned to look for them among those who oppose the Catholic doctrine, and among those who, through scientific and political naturalism and materialism, inflame minds with every disordered cupidity; among those who, in the shadows of sectarian congregations, conceal wicked intentions and sharpen their weapons against order and the security of society.

And even among those on the opposing side, there was no lack of elevated and impartial spirits who understood and had the praiseworthy courage to publicly proclaim the true causes of the lamented disorders.

[*Latin ed. p. 132*]

132 ENCYCLICAL LETTER. Great was our surprise, and our sorrow, when we learned that, under a preposterous pretext, scarcely veiled by artifice, it was dared, in order to divert public opinion and to carry out a premeditated scheme, to pour forth the foolish accusation against Catholics that they are disturbers of the peace, and to lay upon them the blame and the harm resulting from the seditious upheavals of which certain districts of Italy were the scene. — Our sorrow increased still more when, following these calumnies, arbitrary and violent acts were committed, and many of the principal and most valuable Catholic newspapers were suspended, committees for parishes and for dioceses were proscribed, assemblies and

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congresses were dispersed, certain institutions were rendered inert, and others were threatened, among those very ones which have for their sole purpose the increase of piety among the faithful, or public and private beneficence; when we saw dissolved in great number innocent and meritorious societies, and thus, in a few tumultuous hours, destroyed the patient, charitable, and modest work of many years, of many noble minds, of many generous hearts. With such an enormous and odious disposition, the public authority contradicted, indeed, all its previous assertions. For a long time, indeed, it had represented the populations of the Peninsula as conniving and entirely in solidarity with it in the revolutionary work opposed to the Papacy; and now, instead, it suddenly denied itself, resorting to extraordinary measures to suppress countless associations scattered throughout Italy, and this for no other reason than because they showed themselves attached and devoted to the Church and to the cause of the Holy See. But this disposition, above all, violated the principles of justice and the very norms of the laws in force. — In accordance with these principles and these norms, it is lawful for Catholics, as for all other citizens, to enjoy the freedom to unite their efforts in common to promote the moral and material well-being of their neighbor, or to practice piety and religion. Therefore, it was an act of arbitrary power to dissolve so many beneficial Catholic institutions, which nevertheless exist peacefully and are respected in other nations, without any proof of their culpability, without any prior investigation, without any document to demonstrate their participation in the events that occurred. It was also a special offense to Us, who had ordered and blessed those useful and peaceful associations.

[*Latin ed. p. 133*]

To Our Venerable Brothers, who have diligently cared for, promoted, and overseen its development, Our protection and your vigilance should have rendered it even more respectable and immune from any suspicion. Nor can We pass over in silence how detrimental such a measure is, both to the interests of the multitudes, to the preservation of social order, and to the true well-being of Italy. With the suppression of these societies, the moral and material misery of the people increases, and they are deprived of the means by which they sought to mitigate it with every possible effort. The commonweal is deprived of a powerful force for preservation; for their very organization and the dissemination of their principles constituted a bulwark against the subversive theories of socialism and anarchy. Finally, the religious conflict is inflamed, which all men, free from sectarian passions, understand to be supremely harmful to Italy, weakening its strength, its unity, and its harmony. We are aware that Catholic societies are accused of harboring tendencies contrary to the current political order of Italy, and are therefore considered subversive. This accusation is based on a misunderstanding, created and maintained deliberately by the enemies

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of the Church and of religion, in order to publicly expose the reprehensible ostracism that they intend to inflict upon these associations. We desire that this misunderstanding be dispelled forever. Italian Catholics, by virtue of the immutable and well-known principles of their religion, shun all conspiracy and rebellion against the public authorities, to whom they render the tribute that is due to them. Their past conduct, to which all impartial men can give honorable testimony, is a guarantee of their future conduct, and this should be sufficient to assure them the justice and freedom to which all peaceful citizens are entitled. We will say more: being, by the doctrine they profess, the most steadfast supporters of order, they have a right to respect; and if virtue and merit were adequately valued, they would also have a right to the consideration and gratitude of those who govern. But Italian Catholics, precisely because they are Catholics, cannot overlook the fact that the will of their Supreme Head must be restored, and that he must be granted the necessary independence and the fullness of true freedom.

[*Latin ed. p. 134*]

134. A truly encyclical decree, which is an indispensable condition for the freedom and independence of the Catholic Church. On this point, their sentiments will not change, neither through threats nor through violence; they will endure the current state of affairs, but as long as this order of things persists, and as long as the Papacy is suppressed by the conspiracy of all anti-religious and sectarian elements, they can never, without violating their most sacred duties, contribute to its support through their adherence and their support.

— To demand a positive contribution from Catholics to the maintenance of the current order of things would be an unreasonable and absurd demand; for it would no longer be lawful for them to obey the teachings and precepts of this Apostolic See, but rather they should act in opposition to them and depart from the conduct that Catholics in all other nations maintain. Therefore, in the present circumstances, the action of Italian Catholics, remaining aloof from politics, is concentrated in the social and religious spheres, and aims to moralize the populations, to make them obedient to the Church and its Head, to keep them away from the dangers of socialism and anarchy, to instill in them respect for the principle of authority, and finally, to alleviate their suffering through the many works of Christian charity.

— How, then, can Catholics be called enemies of the fatherland and be confused with the parties that threaten the order and security of the State? Such calumnies fall before common sense. They are based solely on this concept: that the fortunes, the unity, and the prosperity of the nation consist in actions taken to the detriment of the Holy See, actions which are deplored by men of unimpeachable integrity, who openly declared that it

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is an immense error to provoke a conflict with that great institution which God placed in the midst of Italia, and which has been and will forever be its most precious and incomparable treasure; a prodigious institution that dominates history, and for which Italia became the fertile educator of peoples, the head and the heart of Christian civilization. Therefore, what fault are Catholics guilty of when they desire an end to the long discord, a source of great damage to Italia in the social, moral, and political order; when they ask that the paternal voice of their Supreme Head be heard, who has so often demanded due reparations, showing the incalculable benefits that would result for Italia?

[*Latin ed. p. 135*]

ENCYCLICAL LETTER 155. The true enemies of Italia must be sought elsewhere; they are to be found among those who, driven by an irreligious and sectarian spirit, close their minds to the evils and dangers that weigh upon the homeland, who reject every true and fruitful solution to the discord, and who, through their reprehensible designs, seek to make it ever longer and more bitter. — It is to these, and not to others, that the harsh measures were applied which struck down so many useful Catholic associations; measures which grieve Us profoundly, not only for another reason of a higher order, but also because they concern not only Italian Catholics, but those of the entire world. They make ever more clear the grievous, precarious, and intolerable condition to which we have been reduced. If certain events, in which Catholics had no part, were sufficient to decree the suppression of thousands of beneficent works, innocent of any fault, despite the guarantees they received from the fundamental laws of the State, every sensible and impartial man will understand how effective can be the assurances given by the public authorities for the freedom and independence of Our Apostolic Ministry. What, indeed, is Our freedom, when, after having been deprived of the greater part of the ancient moral and material supports, with which the Christian centuries had enriched the Apostolic See and the Church in Italia, we are now also deprived of those means of religious and social action which Our solicitude and the admirable zeal of the Episcopate, the Clergy, and the faithful had gathered for the protection of religion and for the benefit of the Italian people? What can be Our claim to freedom, when another occasion, another incident, whatever it may be, could serve as a pretext to proceed even further along the path of violence and arbitrariness, and to inflict new and deeper wounds upon the Church and religion? We bring this state of affairs to the attention of Our children in Italia and those of other nations. To both, however, We say that, if Our sorrow is great, so too is Our courage, and so too is Our trust in that Providence which governs the world and which constantly and lovingly watches over the Church, which identifies itself with the Papacy, according to the beautiful expression of St. Ambrose: "Where Peter is, there is the

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Church." Both are divine institutions which have survived all outrages, all attacks, which have seen the centuries pass by, remaining steadfast.

[*Latin ed. p. 136*]

136 ENCYCLICAL LETTER: From the very misfortune, strength, energy, and constancy increase. And concerning Us, We will never cease to love this beautiful and noble nation from which We derive Our birth, rejoicing to expend the last remnants of Our strength to preserve for it the precious treasure of religion, to maintain its children within the honorable sphere of virtue and duty, and to alleviate, as far as We are able, its miseries. In this most noble office, We are certain, Venerable Brothers, that you will bring the effective cooperation of your care and your enlightened and constant zeal. Continue in the holy work of reviving piety among the faithful, of preserving souls from the errors and seductions that surround them on every side, of consoling the poor and the unhappy with all the means that charity may suggest to you. Your labors will never be fruitless, whatever the circumstances and human opinions may be, because they are directed to a higher purpose than the things of this world; and in any case, they will serve, even if opposed or destroyed, to free you from having to answer for the damages that Italy might suffer from the impediments placed in the way of your pastoral ministry. And to you, Italian Catholics, the object of Our solicitude and Our affection, to you who are subjected to the harshest vexations, because you are closer to Us and more closely connected to this Apostolic Seat, let Our word and Our firm assurance be a source of comfort and encouragement, that the Papacy, as in past centuries, in grave and turbulent events, was a guide, a defense, and a salvation for the Catholic people, especially of Italy, so that in the future it will not fail in its great and salutary mission by defending and vindicating your rights, by assisting you in your difficulties, and by loving you all the more because you are targeted and oppressed. You have given, especially in these recent times, numerous testimonies of selflessness and diligence in doing good. Do not lose heart, but, as in the past, strictly adhering to the limits of the law and fully subject to the direction of your pastors, continue with Christian courage in the same endeavors. And if you encounter new contradictions and new hostilities on your path, do not be discouraged: the goodness of your cause will always appear more luminous when, in order to combat it, opponents are forced to resort to...

[*Latin ed. p. 137*]

ENCYCLICAL LETTER 137 concerning such matters; and the arguments you present would enhance your merit before honest men, and, what is more important, before God. In the meantime, under the auspices of heavenly favors and with the pledge of Our special affection, We impart the Apostolic blessing, which We bestow from the depths of Our heart

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upon you, Venerable Brothers, to the clergy and the Italian people. Given at Rome, near St. Peter's, on the 5th of August, 1898, the sixteenth year of Our Pontificate. LEO XIII.

(Latin Version)

Frequently, during Our pontificate, when civil authorities, inflamed with a spirit of rebellion, seized control of the government in Italy, acts harmful to Religion and the Church were perpetrated. For the sake of defending the sacred rights of the Apostolic ministry, We have vigorously protested and declared Our opposition. — And now, with the greatest sorrow, We are compelled, albeit reluctantly, to do so again. Concerning those Catholic institutions here, which, by law, have recently been decreed to be suppressed in many provinces of Italy. This law, certainly arbitrary and unjust, is vehemently condemned by every upright person; and We see, through it, almost everything that We have suffered in past years, renewed with greater intensity. And so, first, these institutions, born of Our paternal concern and the fruit of your care, although it is well known to you, We deem it worthwhile to recall, so that all may know that Our intention in establishing them was to achieve, through these very institutions, a purpose concerning Religion, or concerning the discipline of morals, or concerning the care of the needs of citizens. With the civil power of the Roman Pontiffs dissolved, any support for the Catholic Church, for its life and liberty, indeed even the faith of the people, which these in public affairs, both at home and with foreign nations, have held for so long—

[*Latin ed. p. 138*]

138. By encyclical letters, by a certain natural impulse, [the faithful] were bound; but these bonds have been gradually loosened. With the subsequent publication of new laws, which constantly appeared, the monastic communities of both sexes were deprived of their possessions: a large part of the ecclesiastical patrimony was assigned to the treasury and miserably consumed; the clergy were subjected to military service; the freedom of the ecclesiastical ministry was restricted by arbitrary and unjust laws; almost every vestige of the Christian religion was erased from all public institutions; favor and indulgence were extended to heretics; and even greater freedom was granted to the sects [which they call Masonic], while against that religion which has always been the glory, the support, and the bulwark of Italy, acts of cruelty and persecution were perpetrated. We have, indeed, deplored these wicked and often outrageous actions; first, for the sake of the Holy Religion, which was brought to the utmost distress; and then, and we pronounce this with the sincerest feeling of our heart, for the sake of the common fatherland itself. For religion is the source of prosperity and excellence for every nation, and the principal foundation of any well-ordered society. For when the sense of religion is weakened, by which the soul is, as it were, elevated and ennobled, and in which the knowledge

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of what is just and honest is deeply rooted, man falls, and is entirely surrendered to bestial instincts and the pursuit of money; and from this, inevitably follow countless evils, discord, the corruption of morals, quarrels, and the disruption of public order; evils for which neither the severity of laws nor the rigor of courts, nor even armed force, can provide a suitable remedy. The worship of religion and the well-being of society are so closely connected that the former cannot fail without the latter being undermined by turmoil and disorder. This, we have repeatedly declared to the Italians, has been demonstrated by the perverse doctrines of those who seek to seize either the property of citizens or the very civil government itself, and which have brought about countless evils to which Italy has been subjected. But we have not been listened to; a false and frivolous opinion, instilled by the sect of rebels, has obscured the light of reason; and it has not been forbidden to wage war against the very religion itself. Not only have those who govern the state provided nothing, but in books, in public newspapers, in gymnasiums, even in the very taverns, in all gatherings of citizens, in theaters, wicked men spread incredulity.

[*Latin ed. p. 139*]

ENCYCLICAL LETTER 139, and to sow the seeds of iniquity, to undermine religious principles, by which the morals of the people are strengthened and made virtuous, and to present things opposed to these, from which perversion of understanding and corruption of the heart certainly follow, will go unpunished. Then, We, Venerable Brothers, foreseeing the dangers and storms threatening Italy, have considered it the right time to raise our voice; and We have openly declared to the Catholics of Italy: Religion itself and Society are in danger; it is time to exert all your virtue, to oppose the evils that are advancing, and to do so not only through exhortation, but also through action, indeed, through the association of as many as possible, whose aim is a common action; through societies, associations, books published, meetings of members, institutions of charity and prayer, and through all means that are permitted by law, peacefully employed, which are suitable for preserving the sentiments of the true religion among the people, and for alleviating the poverty, which is accustomed to suggest crimes, and which so widely and grievously afflicts Italy, due to the miserable condition of its treasury, in which this our region is situated. These things We have repeatedly, especially in two Letters addressed to the Italians, dated October 15, 1890, and December 8, 1892, earnestly recommended. Now, it is pleasing to Us to declare openly that Our exhortations have borne fruit in this land. To you, Venerable Brothers, together with the clergy and other faithful, entrusted with your care, who have bravely undertaken this task, joyful and prosperous results have been achieved; and even greater ones can easily be foreseen. Almost everywhere in Italy, countless associates have come together, who, after careful study

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and deliberation, have worked to establish treasuries for assisting farmers; kitchens, which they call "economic," where the poor are given small meals at night; pleasant places where young people can be honorably entertained on holidays; and institutions have sprung up for catechizing children, for caring for the sick in hospitals, for protecting widows and orphans, and six hundred others, which have been received with approval and applause by the people everywhere, and many men, even of opposing factions, have not hesitated to highly recommend them. And the Catholics, as they have always done, in carrying out these works of Christian charity, have not hesitated to bring to light anything that they thought should be concealed.

[*Latin ed. p. 140*]

140 ENCYCLICAL LETTER. They have continued, and within the limits prescribed by law, they steadfastly maintain themselves. But grievous vicissitudes of the state have occurred, which have devastated certain provinces of Italy with turmoil and bloodshed. Indeed, we have been most deeply moved and saddened by this spectacle. We have considered it necessary that those who govern the state should acknowledge that the proximate cause of these seditions and civil conflicts was the wicked seeds, which for a long time have been widely and impunely sown in Italy, and that these are, indeed, the most grievous, but entirely natural, fruits thereof. We have also considered it necessary that, being instructed by sad experience, and ascending from the effects to the causes, they should undertake to follow Christian norms in restoring civil order, by which nations are recalled to their duty, lest they perish; and thus, they should render due honor to the supreme rules of justice, probity, and religion, upon which the salvation of any civil society, and indeed of any people, depends. Finally, we have considered it necessary that, at least those who desire to discover the authors or accomplices of these seditions, should seek them among those who reject the Catholic doctrine; among those who, pursuing the cult of nature and of material things, whether through logic or practice, inflame any and every unrestrained human cupidity; among those who conceal wicked designs in secret factions, and who prepare arms against the civil order of human society. Indeed, even among their adversaries, one of outstanding intellect, and entirely free from party spirit, understood the true causes of these civil disturbances, and exerted himself strenuously to make them known publicly. But alas! Great astonishment and sorrow seized us when we learned that those who govern the state, under a ridiculous pretext, which they have feebly attempted to conceal with artifice, in order to distract public opinion and to perfect a preconceived design, with incredible audacity, have dared to utter a foolish accusation against Catholics of disturbing the peace, so that the civil disturbances which occurred in certain provinces of Italy, and which are a disgrace and a detriment to the same, might be turned, as if they were the cause, against the very innocent. Then truly

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our sorrow increased when, to these calumnies, were added arbitrary and violent acts; when we saw many of the most important and most zealous Catholic newspapers suspended or suppressed; when we saw suppressed the associations, whether established for parishes or for dioceses; when we saw Catholics dispersed.

[*Latin ed. p. 141*]

ENCYCLICAL LETTER 141, concerning grievances and injustices: Certain institutions, especially those whose sole purpose is the advancement of piety among the faithful, whether public or private, have been stripped of almost all their resources, so that they might not be able to assist the poor of the citizens; and others have been terrified by threats. Many innocent societies, which have greatly benefited the nation, have been dissolved; and thus, the labor of many years, undertaken by men endowed with Christian charity, outstanding knowledge, and noble virtue, has been tragically lost and wasted in a few tumultuous hours. With this immense and hostile decree, the rulers of the republic have openly contradicted what they had previously proclaimed. For a long time, they had declared the Italian people to be conspiring and complicit in a rebellion against the Roman Pontiff; but now, by resorting to force and violence, they have sought to eliminate countless societies, widely dispersed throughout Italy, for no other reason than that they have shown themselves to be devoted and obedient to the Church and the Holy See, thereby exposing themselves as liars. But this very law, enacted, is most of all dictated by injustice and violates the norms of wise laws. For according to these dictates, and according to these norms, Catholics, as well as other citizens, are granted freedom; the freedom to care for their fellow citizens, both spiritually and materially, and to exercise themselves in the duties of piety and religion. Therefore, the arbitrary dissolution of so many Catholic institutions (which, moreover, peacefully exist and are held in honor in other nations) is unjust, especially since it occurs without any evidence of fault, without any document, and without any serious proof of the participation of their members in the disturbances that occurred. But furthermore, this is a particular injustice done to us, who entrusted these useful and peaceful institutions, and who wished them every success; indeed, and to you, venerable brothers, who have devoted yourselves to their growth and have diligently supervised them. Truly, our protection and your vigilance should have made these institutions more respected and free from all suspicion. We cannot pass over in silence how harmful this decree is to the prosperity of the civil population, to the security of the nations, and to the true good of Italy. For with the abolition of these societies, the misery of the people increases, both in what concerns assistance to the poor and in what concerns assistance to the needy, in

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every way that they could.

[*Latin ed. p. 142*]

442. They urged the publication of an encyclical: Human society is sustained by a powerful force; indeed, the constitution of the Church, and the diffusion of moral doctrine, which they professed, were a burden to those who either proclaim that all things should be common to all, or who attempt to impose any kind of tyranny. Moreover, religious conflict is inflamed, which, as all who are experienced in the factions of opinions know, is most harmful, especially to the Italians, whose unity and harmony it destroys. We know that Catholic societies are unjustly accused of being contrary to the present state of affairs in Italy, and therefore are considered harmful to public tranquility. This accusation is based on a falsehood, which has been carefully devised and maliciously maintained by the enemies of the Church and of religion, in order to subject these societies to a shameful ostracism. We desire, therefore, that this falsehood be forever banished and dispelled. The Catholic Italians, because of the eternal and universally known principles of their religion, most vehemently abhor any conspiracy or rebellion against the civil government, to which they diligently render what is due. Their conduct thus far, to which all who are impartial give witness, is a guarantee of their future conduct; and this should be sufficient to assure Catholics that their rights and the freedom which all peaceful citizens rightfully demand, will be granted to them. But we say more. Since they are the strongest defenders of the order because of the doctrine they profess, they deserve the greatest respect; and if merit were considered in proportion, they would certainly be entitled to special consideration and rewards from those who govern the state. But the Catholic Italians, simply because they are Catholics, will never cease (nor can they cease) to desire that the supreme authority of the Church be restored, and that full and complete freedom of government, which is truly and effectively exercised, be restored, which is absolutely necessary for the immunity and freedom of the Catholic Church. On this matter, their opinion will never change, neither by threats nor by force that is inflicted upon them; they will patiently endure the present situation; but as long as the goal is the suppression of the Roman Pontificate, and the cause is the conspiracy of all those who favor the perfidy of those who are hostile to the Church,

[*Latin ed. p. 143*]

It cannot be, that, neglecting the Religion which they profess, they should adhere to laws, and support and sustain them with their actions. Indeed, it is entirely contrary to reason and to the common sense of men to demand that Catholics contribute their efforts to strengthen the present state of affairs; for then they would cease to obey the precepts commanded

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by this Apostolic See; nay, they would act openly in opposition to it, departing from the conduct of all Catholics who reside in other nations. Therefore, the action of Catholics in the present condition of affairs remains entirely separate from the reasons of the Italian domination, and is confined solely to matters concerning their brethren and their Religion: they strive to imbue the people with the teachings of the Church, and to make them obedient to the Church and to its Supreme Ruler; they seek to draw away from the Italians those who embrace doctrines that exclude all temporal dominion, or civil government; they urge those who observe the established authority to do so; and finally, they alleviate the poverty of others through various works of Christian charity. Therefore, how can Catholics be called enemies of the Fatherland, and be confounded together with those who conspire against the tranquility and security of the Republic? These calumnies are dissolved by the very common sense of men. For the fate, unity, and prosperity of any nation certainly depend on actions that have been consummated against the Holy See; and these actions have been deplored by many men, whose veracity no one can suspect; and these men openly affirm that any conflict against the Holy See is the result of extreme imprudence; against, that is, the Institute which God placed in the midst of Italy; which has always been and will forever be, the chief ornament and incomparable glory of Italy itself; against that most wondrous institution, which dominates history; through which, moreover, Italy has become a fruitful teacher of nations, the head and center of Christian civilization. For what crime are Catholics accused, when they strive to put an end to this long-standing discord, from which grievous harm arises to the communion of peoples, to the morals of citizens, and to the civil government itself; when they demand that the paternal voice of their Supreme Head be heard; who has so often offered compensation for the damages suffered?

[*Latin ed. p. 144*]

144 The Encyclical letter lamented, showing how many inconveniences had resulted for Italy. The true enemies of Italy are certainly to be found elsewhere; among them are those who, with a mind hostile to Religion and devoted to heretical sects, avert their eyes and minds from the dangers that threaten the Fatherland, and who reject any solution to the same that is true and useful, and who strive to prolong that bitter and unjust situation through their own misguided policies. To these, in truth, and not to others, that terrible sanction must be attributed, by which so many and so useful Catholic Societies have been suppressed; a sanction which, for another even more sublime reason, deeply grieves Us, a reason which concerns not only Italians, but the entire Catholic world. This clearly shows the harsh and uncertain condition in which We are, and which is in no way bearable. For if events, the authors of which were certainly not Catholics, have been

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sufficient to bring about the suppression of so many and so useful, and entirely innocent societies, although they were protected by the most powerful laws of the Italian Kingdom; then, with sound judgment and free from any partiality, everyone will understand how great is the caution that the supreme administrators of the Republic in Italy have shown in offering Us, for the sake of the freedom and security of Our Apostolic Ministry. For what freedom do We have, when, after having been stripped of almost all the safeguards, both temporal and administrative, with which the ancient Christian princes had endowed the Apostolic See and the Church, We are now also deprived of those aids with which We wish to carry out actions relating to Religion, or to the administration of the Church, and which Our solicitude, and the studious will of the Catholic bishops and clergy, have devised for the purpose of defending Religion and helping the Italian people? What freedom can We have, when another opportunity, another event, may suggest a pretext for even more cruel and savage acts, and for inflicting even more grievous wounds upon the Church and Religion? We reveal Our condition in Italy to the sons of all nations; yet We say to both, that although We feel great sorrow, We do not lack the strength of spirit and confidence in the Providence of God, by whom the world is governed; and who constantly and vigilantly watches over the Church; which Church, together with the Papacy, is one and the same, according to the teaching of St. Ambrose.

[*Latin ed. p. 145*]

ENCYCLICAL LETTER 145: Let it be proclaimed, "Where Peter is, there is the Church." Both [the Church and the Nation of Italy] have a divine institution: both have withstood the insults and attacks of their enemies, and thus, after almost two hundred years, they still endure; indeed, they have drawn strength, virtue, and constancy from very these adversities. As for us, we will never cease to cherish this most excellent and noble nation from which we have sprung, and we will devote the remainder of our strength to preserving for that nation the precious treasure of Faith and Religion; we will restrain its children in the path of duty and virtue, and we will, as far as we are able, offer them our help and support. In fulfilling this most excellent work of religion and piety, Venerable Brothers (and we are quite certain of this), you will assist us with your care, your vigilant, and constant effort. Continue, as you have done, to kindle the piety of the faithful, to protect them from errors and seductions, by which they are beset on all sides, and to generously assist the poor and the afflicted in every way that Christian charity suggests to you. Your labors will never be fruitless, whatever changes may occur in the course of events, or in the opinions of men, because they are directed to a goal more sublime than any earthly one; and finally, even if it should happen that those very labors are hindered or destroyed, the funds, which, through obstacles interposed

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by adversaries to your pastoral ministry, may be needed to assist Italy, will provide a safeguard. But to you, Catholics of Italy, whom our care and affection especially concern; I say to you, may these words of ours offer you comfort, and strengthen your spirits, and may the firm promise that the Roman Pontificate, as in past times, in times of sorrow and turmoil, has been the guide, the defense, and the salvation of the Catholic people, especially in Italy; so too, it will never fail to be present in the future, diligently assisting you in the task of defending and vindicating your rights, whether by constant support in difficult matters, or by a special affection, pursuing those who are more afflicted and unjustly oppressed. Especially in recent years, you have repeatedly demonstrated the strength and fortitude of your spirit in every good work. Acts, Vol. XXXI, p. CCCLXIII. 10.

[*Latin ed. p. 146*]

146 ENCYCLICAL LETTER: Do not despair; but, as you have always done, remain within the limits and boundaries designated for you, and, fully and completely obeying the instructions of your pastors, persevere in that purpose with Christian virtue. If new trials and annoyances should arise, do not be dismayed: the justice of your cause will become more clearly apparent when your adversaries are compelled to flee in this manner; and the dangers of your virtue, which you will encounter, will undoubtedly increase your excellent merit before honest men, and, what is more important, before God. In the meantime, under the auspices of heavenly gifts, and as a pledge of paternal love, we impart to you, venerable brothers, to the clergy and people of Italy, our Apostolic Blessing with all our heart. Given in Rome, at St. Peter's, on the 5th day of August, in the twenty-first year of our pontificate. LEO XIII, POPE. LETTER: From Our Most Holy Lord Leo XIII, by divine providence, Pope XIII, concerning the Rosary of Mary. Reflecting on the long period of time that we have spent in the highest office, if God wills it, we cannot help but acknowledge that we have experienced the most present assistance of divine Providence, although we are unworthy of its merits. This, indeed, we believe it is right to attribute to the united prayers, and therefore most powerful, which, as once were offered for Peter, so now are offered for us, by the entire Church. First, therefore, we give the greatest thanks to God, the giver of all good things, and we will cherish and preserve in our minds and hearts the blessings received, as long as life permits. Then, the sweet memory of the august Queen of Heaven, under the patronage of the Mother, arises; and we will likewise preserve the memory of her, reverently and inviolably, celebrating her benefits with prayers and thanksgiving. For from her, as from a most abundant source, flow the streams of heavenly graces; in her hands are the

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treasures of mercy.

[*Latin ed. p. 147*]

LETTER 147, to My Lord (i): God wills that she be the principle of all good things (2). In the love of this most tender Mother, which we constantly strive to foster and increase each day, we certainly hope to reach the final day. However, for a long time, desiring to promote the devotion to the Virgin, which is conducive to the salvation of human society, and wishing to establish it as a strong bulwark, we have never ceased to encourage the practice of the Rosary of Mary among the faithful of Christ, as you well know, having already issued Encyclical Letters on this matter since the beginning of September of this year, and decrees, which have been published not once. And since, by the merciful design of God, it is permitted for us to see the approaching month of October, which we have decreed to be dedicated to the Holy Rosary, we do not wish to restrain you by any compulsion; but rather, having accomplished all that is possible with few words to promote this kind of prayer, we will add a final document, by which our zeal and our will in promoting the praised devotion to Mary will be made more evident, and the fervor of the faithful will be aroused to observe that most holy custom piously and faithfully. Therefore, with a constant desire that the power and dignity of the Rosary of Mary be established among the Christian people, we first recall the heavenly, rather than human, origin of this prayer, and we show that, composed of a wonderful combination of the angelic salutation, interspersed with the Our Father, and joined with the office of meditation, it is the most excellent form of supplication, and most fruitful for the attainment of eternal life; for, besides exhibiting its own excellence in prayer, it provides a suitable defense of faith and a remarkable example of virtue, offering mysteries for contemplation; moreover, it is easily adapted to the customs and understanding of the people, and through the contemplation of the Holy Family of Nazareth, it offers a completely perfect model of domestic society; therefore, the Christian people have never been ignorant of its most salutary power. Following these reasons above all, and with manifold exhortation, we have pursued the formula of the most holy Rosary, and, adhering to the footsteps of our Predecessors, we have added our efforts to increase its majesty through greater devotion. Indeed, as Sixtus V, of blessed memory, restored the ancient custom of reciting the Rosary (1).

(1) *S. Io. Dam. ser. I, de nativ. Virg.* (St. John Damascene, Sermon I, on the Nativity of the Virgin).

(2) *S. Ir., c. Valen. 1. III, c. 33.* (St. Irenaeus, Against Heresies, Book III, Chapter 33).

[*Latin ed. p. 148*]

148 The aforementioned letter was approved, and Gregory XIII

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dedicated a feast day to this same title, which Clement VIII subsequently inscribed in the martyrology. Clement XI ordered that it be observed throughout the entire Church, and Benedict XIII included it in the Roman Breviary. Thus, We, as a perpetual testimony of Our most benevolent will, have commanded that this same feast day, with its proper office, be celebrated throughout the entire Church according to the rite of the second class; We have also willed that the month of October be dedicated to this devotion; finally, We have decreed that the invocation "Queen of the Most Holy Rosary" be added to the Litany of Loreto, as a sign of victory in the present, most reverend, struggle. It remained only to point out that the Rosary of Mary possesses a great value and utility, due to the abundance of privileges and rights with which it is adorned, especially the vast treasure of indulgences. How important this benefit is to all those who are concerned about their salvation can easily be understood. For it is a question of obtaining the remission, either total or partial, of the temporal punishment, even after the guilt has been removed, either in this life or in the next. This is indeed a rich treasure, acquired through the merits of Christ, the Virgin Mary, and the Saints, to which Our predecessor Clement VI rightly applied those words of Wisdom: "For she is an infinite treasure to men: which they that use, become the friends of God, being commended for the gifts of discipline." Indeed, the Roman Pontiffs, endowed with the highest authority, having used this power divinely granted to them, have bestowed upon Marian sodalities, reciting the most holy Rosary, the most abundant sources of graces. Therefore, We too, recognizing the beauty of the Marian crown, adorned as it is with the most precious gems, have matured a long-considered plan to issue a Constitution concerning the rights, privileges, and indulgences with which sodalities of the most holy Rosary are endowed. May this Our Constitution be a testament of Our love for the most august Mother of God, and may it offer both encouragement and rewards to all the faithful, so that, through her help, they may be lifted up at the supreme hour of life and may peacefully find eternal rest. We have prayed to God Almighty, through the Queen of the Most Holy Rosary, that He may grant you, Venerable Brothers, to the clergy and the people, the blessings of heavenly goods.

[*Latin ed. p. 149*]

To you who have entrusted yourselves to our care, we impart, with paternal affection, the Apostolic Benediction. Given in Rome, at Saint Peter's, on the 5th of September, in the twenty-sixth year of Our Pontificate. LEO XIII, Pope. FROM THE HOLY CONGREGATION OF THE COUNCIL OF MILAN. CONCERNING THE OBLIGATION OF RECITING THE OFFICE FOR THE DEPARTED ON MAY 14TH. Council of Trent, Session 23. SUMMARY OF THE MATTER. On the 25th of May, 1894, this controversy was presented to Us. Priests who follow the Ambrosian rite are bound to recite

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one Nocturn, Lauds, and Vespers for the departed during Lent, and on weekdays throughout the year, Lauds and Vespers; and those who follow the Roman rite are subject to a similar obligation on the day of the Commemoration of all the Faithful Departed. Furthermore, Ambrosian priests sometimes receive alms during Lent and on weekdays throughout the year, specifically to recite the Office for the Departed, either on anniversaries or for recently deceased individuals. The question is therefore raised, whether in these cases they can fulfill the obligation of justice (due to the alms received) by reciting the same Divine Office to which they are bound by the calendar, or by reciting another, so that a single recitation of the Divine Office would suffice.

WARNING. We do not wish to omit this question, even though it is not yet resolved, because of certain matters that are well written, in order to explain the path towards an official resolution. Should a resolution be given at any time, it will be immediately noted by Us.

[*Latin ed. p. 150*]

50. Milan. Let the recitation satisfy both the obligation and the precept imposed by the Church, and the obligation arising from the accepted alms. This question was raised with the Sacred Penitentiary by Father Charles Gorla, professor at the Theological Seminary of Milan, on February 24, 1894; and the Sacred Penitentiary, on March 22, 1894, responded: "Let the one who prays, concerning whom the prayer is offered, consult the local Ordinary, and, as far as it is necessary, let him seek recourse through his means." The Vicar Capitular of the Church of Milan, during the vacancy of the see, referred the question to the Council of Consultors of the Diocese for Theological Matters, who, on April 26, 1894, considered the following doubt: "Whether a priest, having received a stipend, when reciting the Office at funerals or anniversaries of the dead, satisfies by this recitation also that part of the Office to which he is bound according to the Ambrosian Calendar." They unanimously responded: "Affirmatively, provided that the priest is not a beneficiary." However, unwilling to demand the execution of such a decision without proper consultation, the Vicar referred the definition of the question to the Sacred Penitentiary for appropriate confirmation. The Sacred Penitentiary, in turn, transmitted the matter to the Sacred Congregation of the Council.

Synopsis:

The matter concerns two different obligations: one arising from Church law, and the other from justice; therefore, it seems that a single recitation cannot satisfy both obligations. Moreover, each obligation serves a different end, almost the opposite; for the Divine Office is imposed by the Church for the universal good of the faithful, while the one offering alms intends the particular good of some faithful person. It does not seem possible to divide the fruits of the recitation so that part benefits the faithful in general,

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and the remaining part benefits the particular faithful; especially if the one offering alms intends that the entire fruit of the Office should contribute to the spiritual progress of a deceased person.

[*Latin ed. p. 151*]

MEDIOLANUM. 151. But it is objected that, just as three effects must be distinguished in the Divine Office, as in the Mass, namely, the general effect benefiting all the faithful; the intermediate effect applying to the one reciting; and the special effect accruing to the one reciting, as commonly taught by Doctors apud Bonacinam, Vol. V, page 347 (edition of 1754), so too the obligation of reciting the Divine Office must be distinguished from its application, leaving the intermediate effect to the discretion of the one reciting, as regards the Church. Therefore, everyone initiated into the sacred orders is bound to recite the Divine Office because of the sacred vows taken. However, if, afterwards, he obtains an ecclesiastical benefice, he is not bound to recite it twice; but a single recitation suffices both for the precept of the Church and for the pious will of the founders of the benefice, to whom he applies the intermediate effect. Since the benefice corresponds to a manual alms in terms of the intention of the giver, it seems to follow that one who holds a benefice cannot satisfy both the precept of the Church and another obligation undertaken through a particular alms offering with a single recitation, because the intermediate effect of the application is already absorbed by the nature and obligation of the benefice. Finally, since it does not seem to be denied that a greater effect can be derived from the work of the one performing it for a particular faithful if the entire recitation of the Divine Office is applied to that pious work, it cannot be said that the obligation imposed by the one offering alms to the one reciting the Divine Office is contrary to the intention of the Church; namely, that he should satisfy his pious intention through a special or repeated recitation. This obligation, whether tacit or express, seems to be religiously observed and satisfied through repeated recitation. OPINION OF THE THEOLOGICAL CONSULTOR. The state of the question is as follows. Ambrosian priests are bound to recite one Nocturn, Lauds, and Vespers for the dead during Lent, and on weekdays throughout the year, Lauds and Vespers, just as those who follow the Roman rite, are subject to almost the same obligation on the day of the Commemoration of All Souls.

[*Latin ed. p. 152*]

152 MEDIOLANUM. Quaestio proponitur: utrum, in his casibus, possint satisfacere obligationi ex iustitia (propter acceptam eleemosynam) per eandem recitationem divini officii, ad quam tenentur ex kalendario seu eo quod sunt in sacris, ita ut unica recitatione divini officii satisfaciant obligationi praecepto Ecclesiae impositae et obligationi ex accepta eleemosyna susceptae. Quaesio, prout proponitur, attingit eos, qui,

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eo quod sunt in sacris, tenentur ex kalendario recitare certis diebus Officium Defunctorum: beneficiarii silentio premuntur. At sententia coetus sacerdotum Mediolanensium habiti die 26 Aprilis 1894 versatur disserte etiam circa beneficiarios, atque eos dumtaxat obligationi subiicit bis (seu pluries) officium in facta hypothesi recitandi, ceteris omnibus. Oportet, puto, et de beneficiariis dato opere agere ut, quoad eius fieri potest, res plene tractetur; cum praesertim si demonstratur vel ipsos beneficiarios ea obligatione non generi aut saltem incertam esse eorum obligationem, id multo magis in ceteris sit valiturum. Ceterum in ipsa expositione quaestionis authentice facta, de Beneficiariis quoque data opera agitur. Doleo, acta conventus mediolanensis non fuisse transmissa; nam non minimi momenti foret, causas nosse suffragii in quod omnes, nemine excepto, consenserunt, praecipue si multi fuerint qui convenerint et auctoritate praestantes. Quid enim, si ratio sententiae fuit consuetudo constans et universalis interpretandi hoc pacto legem? Cum legitima consuetudo sit optima legum interpres aut legem contrariam abroget novamque inducat, quaestio nostra, si lex vigens tantummodo spectetur, rediret ad quaestionem facti ; exsistitne ne in ecclesia Ambrosiana legitima consuetudo, quae eximit ordinatos simpliciter in sacris a dicta obligatione, subiicit vero eidem beneficiarios? Si res ita se habere dicatur, illa sola superesset quaestio, nimirum utrum congruum sit vel expediat, beneficiarios quoque ab ista obligatione liberare. Quia vero me latet consuetudo ecclesiae Ambrosianae,

[*Latin ed. p. 153*]

MEDIOLLANUM. 153. Hoc quaestio proponitur in talem modum, ut, ex principiis iuris moralis vel doctrinae, quae adhuc, ut videtur, dubiae sunt, videntur definiri debere; et imperatur mihi ipsum consilium meum aperire, ita ut breviter exponam quod mihi videtur ex communi sententia doctorum colligi posse. Ergo, quod spectat ad beneficiarios; ratio dubitandi, si quid video, non potest esse, quia ipsi tenentur, pro fundatoribus beneficiorum, officium, in eorundem suffragium, recitare. Obligatio huiusmodi nulla est sive ex lege aut voluntate fundatorum, sive ex lege Ecclesiae. Et sane fundatores quidem obligationem recitandi officii imposuerunt. « Obligatio recitandi divinum Officium imposita est solum ab Ecclesia beneficiariis, ut cum aliis probat Suarez De Relig, tr. 4, I. 4, c. 48 ». Ita Lugo Resp. Mor. I. 5, dub. 5, n. 11. « Fundatores beneficiorum, ait Filliuccius tr. 23, n. 137, non reperiuntur obligasse ad Horas canonicas ». S. Thomas quodl. 1, a. 13, quaerit: « an habens duas ecclesias (duo beneficia) teneatur utriusque officium dicere ». Denique, si obligatio recitandi Officii esset ex lege fundatorum, qui in suum suffragium iusserunt dici, posse saltem videri, habentem duo beneficia, bis in die debere officium dicere. At S. Thomas, inter obiectiones, quas praemittit, ne memorat quidem hoc argumentum. Respondet autem negative, et perpendatur principium resolutionis: « Qui in aliqua

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ecclesia praebendam accepit, duobus obligatur, scilicet Deo, ut ei debitas laudes exsolvat pro suis beneficiis, et Ecclesiae, a qua accipit sumptus ». De fundatoribus nihil dicitur. Veteres quidem, alii, quos refert Azor Inst. mor. I. 10 De horis canonicis c. 4, censuerunt, beneficiarios teneri iure naturali preces horarias recitare, ut satisfaciant iis qui beneficiorum reditus reliquerunt. Verum hanc non esse obligationem ex iustitia propter legem fundatorum hoc pacto instituentium beneficia, vel ex eo patet quod ipsi doctores sub disiunctiva loquantur, debere divinum officium persolvere vel saltem aliquas preces recitare. Et ita resolvit.

[*Latin ed. p. 154*]

154 MILAN. Azor writes. Indeed, an obligation arises from gratitude, and this can be fulfilled in many ways, as Suarez also observes in I, chapter. And in truth, if the obligation arose from the will of the founders who established these benefices, the Church would not exempt those who fail to recite the office from the obligation to restore the fruits, as Saint Alphonsus also notes in I, 4, number 145. And so, Garzas, in *De Beneficiis*, volume 1, page 3, chapter 1, number 5, writes: "From the Lateran Council and the Constitution of Pius V (which urgently require the restoration of fruits only after the first semester), it is inferred that beneficiaries who do not recite the office are not bound to restore the fruits received by natural and divine law, but by positive law of the aforementioned Council and the Constitution of Pius V, as a penalty for the sin that impedes acquisition." Therefore, he adds: "And so, according to ancient law before the Lateran Council, the opinion was truer (Laymann I. 4, treatise 2, chapter 5, calls it 'communis opinio') that a beneficiary who does not recite the office is not bound to restore the fruits received in the meantime." Therefore, there is no reason to believe that beneficiaries are obligated to recite the office for the benefit of the founders by the will of the founders. But the law that obligates them to do so is the law of the Church. However, this law of the Church obligates beneficiaries for the sake of religion, but not for the sake of justice, so that they may pay what is due to the founders as satisfaction. The theologians of Salamanca, in *De Horis Canonicis*, chapter 2, number 37, say: "A cleric who holds a benefice, whether he is ordained or not, is bound only by religion to the canonical hours; because, assuming the title of the benefice, he is obligated solely by the precept of the Church, imposed for the sake of religion." And Saint Alphonsus writes in I, chapter: "When the Church imposes an obligation of the office on a beneficiary, she imposes it for the sake of religion." But the reason for praying for the founders of benefices, which would be the reason for the law, is nowhere apparent, nor is any canon produced that demonstrates this will of the Church. Indeed, we know of many privileges granted by the Church to the founders of benefices and patrons: but no one mentions that those who receive a benefice should recite the office for their benefit. What generally

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holds true in the Roman rite regarding the offices, whether ferial or those of the saints, I believe also holds true in the Ambrosian rite.

[*Latin ed. p. 155*]

MILAN. Regarding the Office for the Dead, unless a special law prevents it, the recitation is not obligatory, except for those bound by a specific rule. What reason could there be for such a distinction? It seems that only one reason can be proposed: because this Office is said for the benefit of the deceased, and therefore it can be beneficial to the founders. However: 1. The Office can also be beneficial to the living, and yet there is no obligation to say it for the founders; 2. It is one thing for the Office for the Dead to be efficacious for the deceased, and to be applied to them according to their needs; it is another thing for it to be applied to a specific person, such as a founder. The former does not necessarily imply the latter. It will be the same as in the Roman Rite on November 2nd, when we are indeed obligated to recite the Office for the Dead, but we are not prohibited from applying its benefits to whomever we wish, just as with the Mass. But does any special law prevent this in the Ambrosian Rite? Answer: 1. The custom of antiquity (as shown in the history compiled by Cl. Ceriani) does not demonstrate a properly defined universal obligation to recite the Office for the Dead on certain days, much less an obligation for beneficiaries to apply it for the founders. 2. St. Charles, whose law repeats this obligation to recite the Office for the Dead, says nothing about offering suffrage for the founders. His words are found in Bonacina, a Milanese doctor, who commands that the Canonical Hours be recited according to the Ambrosian Breviary, which was then in use. But the precept to apply the Office for the Dead to the founders is neither mentioned by Bonacina nor by Cl. Ceriani. 3. The prayers (Oremus) at the end of the Office (which is the argument of another consulter) do not more clearly demonstrate that the benefits of the Office should be applied to those mentioned in the prayers, than the prayers in the Roman Missal for the daily Masses for the dead prove that the Mass, with regard to that specific benefit, should be applied to bishops and priests. These refer to the general benefit intended by the Church, for whose sake the sacrifice is offered or the Office is said.

[*Latin ed. p. 156*]

156. MEDIOLANEN. Quare etiam ad Ambrosianos, applicatio Officii defunctorum manet libera. Ergo, ratio dubitandi, si beneficiarii possint obligationi duplici una recitatione satisfacere, non oritur ex obligatione, quae nulla est, applicandi eam pro fundatoribus. Sed ratio dubitandi potest esse, quia beneficiariis, eo quod talis sunt, iam recitationem Horarum canonicarum debet ex iustitia; etsi enim motivum legis sit religio seu cultus Dei, beneficiario tamen fructus beneficii dantur sub pacto vel conditione, quod Horas canonicas recitet; ut idcirco peccet contra iustitiam non

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recitans et retinens fructus. Ita S. Alphonsus, et hoc est communis sermo, saltem post decretum Pii V. Atqui, ille, qui ex iustitia aliquid debet ratione Officii sui, nequit pro eo aliud stipendium recipere. Ita Schmalzgr., 1.5, t. 3, n. 95. « Aliter est in parocho vel beneficiato, qui ex vi Officii sui obligatus est ad ministranda spiritualia; nam hii, si sufficientem sustentationem aliter habeant, v. g. ex decimis et aliis proventibus ecclesiasticis, contra iustitiam peccant, si novum stipendium petant. Ita Communis doctorum, et haec sumitur ex S. Thoma, 2-2, q. 100, a. 3, ad 3. Ratio est, quia universim contra iustitiam est exigere temporale stipendium ratione operis aliunde ex iustitia debiti ». Iam vero, beneficiatus qui ratione beneficii tenetur Officium mortuorum recitare; si semel illud recitans accipit praeterea stipendium, quia recitat in funere, acciperet stipendium pro actione quam iam ex iustitia debet. Verum, omisso quod labor cantus non debetur, dubito sane an hoc argumentum sit efficax. Et primo, principium, ad quod provocat Schmalzgr., valet, si stipendium accipias ab iis, quibus iam ex iustitia opus debes; at non valet, si accipias ab aliis, quibus non debes. Atqui, beneficiatus, ut suppono, non tenetur vi beneficii assistere funeri et applicare Officium defuncto. Cur ergo pro hac assistentia et hac applicatione libera non poterit stipendium accipere? Consona est doctrina Moralium. Opus praestans duobus utile, licite ab utroque accipit mercedem (S. Alph., III, 862).

[*Latin ed. p. 157*]

MILAN, 157. Furthermore, an instance is cited in a case not dissimilar. Let us suppose that a benefice is established in such a way that the beneficiary is obligated to celebrate Mass at a certain place and time, but is otherwise free in its application; he may receive a stipend from a third party for the application of the Mass celebrated under these conditions. Thus, Lugo, *De Euch.*, c. 21, n. 19 and following, states this opinion as being commonly held, citing Suarez, Vasquez, etc., and explains this opinion as follows: "We suppose," he says, "someone expressly saying: 'I want you to be able to receive a stipend from another and offer [the Mass] for that person, as if you had received nothing from me, and to remain free from all obligation of restitution.' All of this is implied whenever something is given to a priest solely so that he may celebrate in such a place, leaving him the faculty of applying the Mass to another, from whom he receives a stipend." The decree of the Sacred Congregation, reported by Gavanto from Benedict XIV, *Instit.*, 56, n. 8, is appropriate: "When in the foundation of a benefice or chapel, it is expressly stipulated that the celebrant is not bound to apply the sacrifice in such a case, it is possible for the celebrant to receive a new stipend and for a single Mass to satisfy the obligation of the benefice or chapel, and also for the one giving the new stipend." July 13, 1630. It is not necessary that this be expressly stipulated, but it is sufficient that a reasonable presumption exists, as shown by the Resolution of this

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Sacred Congregation in Casalen, February 20 of this year. This does not contradict the decree of this Sacred Congregation, recently issued under Urban VIII, whose declaration is as follows: "Priests, who are obligated to celebrate on certain days by reason of a benefice or chapel, or salary, if they have also accepted alms for celebrating other Masses, cannot satisfy both obligations with the same Mass." For, as Lugo points out, "these must be understood according to the terms of the very decree, namely, when the priest is obligated by both stipends to apply the sacrifice for those [persons]." It responds to the reason that was being put forward in opposition, "because, indeed, when a stipend for the Mass is given to support the priest, it follows that if the priest receives a stipend from someone for that Mass (that is, the fruit of the benefice), he does not have the right to receive a stipend again for..."

[*Latin ed. p. 158*]

158. MEDIOLANEN. He maintains his sustenance from another for the same Mass; therefore, the title to demand sustenance ceases." Lugo responds, denying that in the case of a chaplain, both are a stipend: but, setting aside that special case, what prevents receiving a double stipend for one Mass, when one of the offerers is pleased that a stipend be received from another for the same Mass, applied to the same purpose? It would be the same as if someone wished to increase the stipend that another gave, without changing the intention. Therefore, if a beneficiary is indeed obligated by reason of his benefice to recite the Office for the dead on certain days, it seems that he can nevertheless receive a stipend for attending the funeral and for applying the fruit of that same Office to the deceased. At least, the contrary opinion is not so certain that it is not permissible to doubt. Indeed, in resolving these questions, besides natural law, gathered from the essences of things, positive law also intervenes; therefore, it is necessary to know what the Church wishes or permits in this matter: but whether the Church has clearly signified its will, we shall see a little later, when we consider the arguments of another Consultant. It remains to examine the argument derived from a certain principle, that a single act cannot adequately satisfy a double obligation; but since this argument also applies against those who are obligated by the sole title of ordination to recite the canonical hours, we proceed to address them. Therefore, in these cases, what we have already said certainly holds: that those are bound by the law of the Church, for the sake of religion, to recite the canonical hours, whether for the living or the dead, with the free application of the fruit remaining to them; furthermore, in these cases, the reason for doubting, of which we spoke a moment ago, derived from the possession of a benefice, and, if it has any weight, the insistence brought by the chaplain, to whom free application of the sacrifice is permitted, undoubtedly loses all its force in such individuals. If there is any difficulty,

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it will be because there is a double obligation, to which a single act cannot adequately suffice, either by natural law or, at least, by positive law.

[*Latin ed. p. 159*]

MILAN. 159. Indeed, it is certain that in many cases, a single action can fully satisfy a double or multiple obligation; however, the understanding of this axiom is somewhat hindered, because when it is asked, under what circumstances this can occur, no clear rule applicable to all is provided by the Doctors. Sánchez, in *De Decalogo*, A.L., c. 14, n. 3, states that whether a single action, or several actions, can satisfy multiple precepts depends on the intention of the legislator. But this is often uncertain and must be determined by conjecture. Indeed, if the same formal motive applies to several precepts that demand the same action, it is easily agreed among all that a single action can satisfy multiple precepts, as when one Mass is heard on a Sunday, which also happens to be a feast day of precept. But if the motive is different, as in our hypothesis (the motive of religion according to Church law, the motive of justice from the received stipend), then, according to the Doctors of Salamanca, in *De Legibus*, c. 2, n. 150: "When a command proceeds from a different motive, unless it is clear from the mind of the one commanding, it generally requires a distinct action from that which the preceding (i.e., the other) precept demands; because in this way, those who command generally intend to impose a new work. And therefore, in a doubt about the intention of the legislator, it should be considered that he intends to require a new action; because in doubtful cases, judgment should be made according to what commonly happens." In this doctrine, I observe two things. The first is that the reason given does not seem sufficiently effective; for the argument comes down to this: the intention of those who command must be understood in this way, because in this way those who command generally intend; which is to prove the same thing by itself. The second is that, as is stated, unless it is clear from the mind of the one commanding; but when, indeed, the precepts are for the recitation of the Office, and that recitation is without any stipend, yet the one reciting is left with the free application of the fruit, it seems clear from the mind of the one commanding that he wishes or permits a single action to fully satisfy both the obligation imposed by him and the other obligation due to the received stipend. This is evident from the example given above of the celebration of Mass. And what else does the law demand, if not that his will be fulfilled?

[*Latin ed. p. 160*]

160 MEDIOLANEN. Should it be done? But if, in fulfilling it, another law is also fulfilled, this is, in itself, indifferent. For what is commanded is done; and what is prohibited is, not that something should be done against the will of the legislator, but that another law should not also be fulfilled,

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unless it is certain that the law requires an action distinct from others for its observance. However, considering natural law, which commands that nothing odious be imposed, if both laws are perfectly fulfilled in a single action, it should be presumed that the legislator would consent to such an observance of the law. Indeed, the law commanding the recitation of the Divine Office for the sake of religion is perfectly fulfilled, even if, by the same recitation, to which free application remains, the obligation arising from justice for the stipend is satisfied; for no less does he who receives a stipend exercise the act of religion than he who does not receive it. Here, by performing this work gratuitously, he may perhaps exercise the act of charity; but the religion is the same. Does positive law object? With this question, we are brought back to a certain factual matter: namely, whether the Church, imposing the recitation of the Divine Office for the dead for the sake of religion, intends that this obligation be fulfilled by a recitation through which a stipend is received, or not? I could offer an example from the Roman Rite: for on the 2nd of November, all priests are obliged to celebrate Mass for the dead, but they are not prohibited from applying it to whomever they wish, and from receiving a stipend for it. However, certain decrees of the Congregation of Sacred Rites seem to indicate a different intention of the Church. These are to be found in the instructions of the Master of Ceremonies of the Apostolic See. But such decrees do not directly address our question; and, since generally, conclusions are drawn from the decrees of that Congregation which are applicable only to particular matters, a universal conclusion is rejected, which would be valid in other cases, about which it is unknown whether they are similar, unless the entire reason of the decree is carefully considered, which, however, it is often necessary to divine. Nor are these decrees always based on certain and necessary reasons, but rather on the more or less probable opinions of those who are responsible for issuing the decrees; for the subject matter does not allow for anything else, in which...

[*Latin ed. p. 161*]

MEDIOLLANUM. 161 [cases] are under consideration, which depend largely on free institutions and are contingent. This has resulted in the fact that, as the number of decrees has grown exceedingly large day by day, and they are not always consistently applicable, a considerable portion of them are now seen to be in need of revision, with a new edition being prepared, which will consign many of the older decrees to oblivion and abolish them. I hear that the decrees cited by the Consultor have caused the ruin of others; but it is possible that even these themselves may one day perish: however, I do not think it is very appropriate to resolve a moral question according to the standard of such mutable decrees. But, lest I seem to lack the reverence that the Holy Congregation of Rites rightly demands, I will briefly examine the decrees that have been brought to light. The first of these does not seem

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to be relevant to the matter, nor does the one who presented it place much trust in it. There is indeed a difference between that case and ours. In our case, the law of the Church commands the priest to recite the Office, but leaves the application of it free; whereas, in the other case, the Ceremonial Bishop not only prescribes to the Bishop the celebration of Anniversaries, but also their application, which, moreover, the Anniversaries themselves require to be celebrated according to the force of another institution. Furthermore, it is irrelevant that the Bishop attends without salary, since he is always obligated to apply [the Office]. The difficulty arises from another decree in Taggen. For the rubric that obliges the recitation of the Office of the Dead and the celebration of Mass on the first of the month or on other days, leaves the application of Mass free (De Herdt, Praxis Capitularis, cap. 37, II). But what is the reason for the decree? The law refers to the choir, it concerns public and solemn worship: I believe that this decree had this reason, namely, that public worship should not be diminished, lest the faithful be given cause to suspect that the intentions of the deceased are not being fulfilled, and the like. Therefore, it is not yet certain what the intention of the Church is, which wishes that the double obligation, about which the question is to us, be fulfilled by a double act. Therefore, with regard to simple priests, *[reference to a text]*

[*Latin ed. p. 162*]

162 The Milanese [MEDIOLANENSIUM] are to come to a decision regarding the matter, according to the judgment of the assembly of the Milanese. As for the beneficiaries, I have already shown, in my opinion, that the matter is at least doubtful. All doubt and scruples would be removed if, as the Reverend Ceriani suggests in his conclusion, the Ambrosian clergy were relieved of the burden of the Office of the Dead, which they are especially bound to perform, and if the wise provision of St. Pius V were extended to them as well. The arguments presented by the Reverend Consultor seem to me to have persuasive force; however, if any difficulty arises in resolving this speculative question, it will be set aside if the Holy Order deems it worthy to adopt this practical conclusion. Indeed, it appears that the way has already been paved for this, with the concession granted by the Holy See to the Ambrosian clergy for this year, 1897; thus, little by little, things gradually and imperceptibly become antiquated. A privilege was granted, at the request of the Archpriest Cardinal, on February 23, 1897. OPINION OF THE CEREMONIAL CONSULTOR. Although the doubt raised by the Most Reverend Curia of Milan is more moral than liturgical, nevertheless, in order to fulfill the honorable task, I will express my humble opinion in the best way possible. First of all, I believe it is appropriate to mention that, in times past, even the priests of the Roman rite were, as far as I know, required on certain specific days to recite the Office of the Dead in virtue of the sacred Ordination. This obligation, which was

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burdensome not only for the beneficiaries, but also for those not obligated to chant in the choir, was removed by the Pope St. Pius V with the Bull "Quod a nobis." Nevertheless, the holy Pope wished that the custom, which already prevailed, of reciting the aforementioned Office in choir according to the prescriptions of the rubrics, should be maintained, and he enriched the recitation with holy Indulgences. However, it should be noted that the Bull "Quod a nobis" removed this obligation only from those of the Roman rite, that is, from those who used the Roman Breviary; indeed, in the aforementioned Bull...

[*Latin ed. p. 163*]

MEDIOLANEN. 163: "Quod vero in Rubricis nostris huius Officii praescribitur, etc." That is to say, those who do not follow the pure Roman rite, such as the Ambrosian, Dominican, etc., are nevertheless obligated to recite the Office of the Dead, without enjoying the Indulgences granted. Therefore, Ambrosian priests, whether or not they are beneficed, have the personal obligation to recite the Office of the Dead on certain days of the year. Having made these brief observations, we come to the question: Whether priests who use the Ambrosian rite, and who are obligated to recite the Nocturn of the Dead with Lauds and Vespers on certain days, while on other days they recite only Lauds and Vespers, if they sometimes receive alms in order to recite the Office of the Dead, can satisfy both obligations with the recitation of the Office of the Dead alone? In answering this question, I will set aside moral considerations; however, I would like to note that here we are dealing with two distinct obligations, which have different formal reasons. One arises from the Office, that is, from Holy Orders, for the purpose of offering suffrages for the souls in Purgatory in general; the other arises from justice, that is, from the accepted alms, for the benefit of a particular soul, according to the intention of the giver. (And I note that the virtue of justice has this particular characteristic, that its acts receive their species from the object *quod debetur* and from that to which it is due). Now, a cleric who is already obligated to a certain Office by ordination, it does not seem to me that he can satisfy with the same act another obligation contracted by the acceptance of an alms with a particular intention, because the two obligations are specifically distinct. These principles have always been the basis of the resolutions of the Holy Congregation of Rites; from which it is manifest that one cannot, either in choir or privately, satisfy with a single act two obligations that are identical, but distinct by different titles. For example, the parish priest, who, like all others,

[*Latin ed. p. 164*]

164 MILAN. To the Priest: It is prescribed to recite the Office for the Dead on the 2nd of November; however, this will not fulfill the obligation to recite the Office in the presence of the deceased's body. Therefore, in a

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parish church, in addition to the Mass celebrated *in die obitus* (on the day of death), with the deceased's body present, another Mass should be celebrated in commemoration of all the faithful departed. But to avoid being too lengthy, I will present only two decrees which, it seems to me, may shed some light on our case. The first is from Harlemen, January 17, 1887, in which the following question was asked: "Question: The preceding Bishop of Harlemen died on January 1, 1877, and, according to his will, left a property for the Cathedral Chapter to celebrate an annual Mass in his memory: Is it the case that the current Bishop, by attending this Mass, fulfills the obligation prescribed (Book II, chapter 36, paragraph 1) in the Ceremonial of Bishops, regarding the celebration of a Mass for the deceased preceding Bishop? To this question, the Holy Congregation responded: 'The Bishop and the Chapter should celebrate the anniversary on different days.' To the other question: 'In the year 1877, the Canons of the Cathedral Chapter of Harlemen established, as a perpetual foundation, that a Mass should be celebrated for all deceased Bishops of that Church, without any payment. Is it the case that the Bishop attending this Mass, if he intends to offer prayers also for the deceased Canons, fulfills the prescription in Book II of the Ceremonial of Bishops, chapter 37, paragraph 1?' The response was: 'No; therefore, the Bishop must celebrate a separate Mass.' It is noted that in both cases, the Bishop was not obligated to celebrate or to attend the Mass with payment, but only to offer simple attendance, as appears from the words of the cited passages. The other decree is from Taggen, Question 1, July 9, 1678, which is more relevant to our case. The question was asked: "On the day when the Office for the Dead must be recited according to a bequest, or according to the deposition of the deceased, and..."

[*Latin ed. p. 165*]

MILAN. Regarding the rubric's obligation in the collegiate church, is it sufficient to recite only one Office, or must one recite one and transfer the other? The Holy Congregation responded: Negatively; but either the Office must be recited twice for the double obligation, or one must be recited and the other transferred. To the other question: In the case where only one is to be recited, should it be that which is prescribed by the rubric, or that which is imposed by the legate? The response is: From what has already been said, it is clear that one cannot serve for all, unless something else is established by the intention of the founder. If it is said that the case in question is different from those reported in the Decrees, since in these it is a matter of reciting the Office in choir, whereas the case in Milan concerns also the private recitation, I respond that the obligation incumbent upon the Ambrosian priests regarding the aforementioned Office does not arise from the choral benefice, but from Holy Orders. Therefore, since it is a personal obligation, it matters little whether it is fulfilled in choir or privately, since we are always dealing with two distinct obligations with

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different ends, which do not seem to be able to be fulfilled with a single act. It is true that a portion of the fruit of merit and satisfaction derived from the recitation of the Office belongs to the priest, and he can dispose of it at his discretion; but it does not seem that with this he fulfills the intentions of him who offers the alms, while the intention of the giver is that the maximum fruit should result for the soul he intends to help. Therefore, I would answer the proposed question: Negatively. With these premises, the following question was posed: Whether priests who use the Ambrosian rite are obligated on certain feasts to recite the Nocturn of the Dead with Lauds and Vespers, while on others only Lauds.

[*Latin ed. p. 166*]

166 MILAN and Vesperas; if, at times, they receive alms in order to recite the Office for the Dead, they may fulfill both obligations with a single recitation of the Office for the Dead in such a case. RESOLUTION. The Sacred Congregation, after deliberation under the date of May 14, 1898, judged it fitting to respond: "Delayed, and in accordance with the matter." DISPENSATION FOR MARRIAGE. On May 2, 1898, Session 24, Chapter 1, Concerning Matrimonial Dispensations. SUMMARY OF THE CASE. Josephina, of the place of Heraclea, in the diocese of Platiensis, aged 19, on the evening of August 16, 1893, validly contracted marriage with Luciano, approximately 29 years of age, of the city of Parma, then serving in the military as an official, commonly a member of the Carabinieri. This marriage was said to have been permitted by the parents and entered into under the condition that the spouses would not be together before the civil contract was entered into. However, after the marriage ceremony was completed, the newlyweds, although they spent the first night of their marriage in the same house with the bride's parents, nevertheless, if their statements are to be believed, used separate beds; indeed, the woman stated that they were never alone together in such a way that they could exercise their marital rights. In the meantime, on the following morning, the husband left the bride's house and was compelled to return to Galatonia, never intending to return to her. After a few months, bitter discord arose between them, so that the husband never returned to the bride, nor was the civil contract ever completed. Therefore, the bride, spontaneously or at the urging of her parents, after receiving a letter from the husband in which she learned that he would never intend to complete the civil contract, appealed to the Holy See, earnestly imploring that her marriage,

[*Latin ed. p. 167*]

PLATIEN. Since it was only a matter of settling the matter, it was to be resolved. Therefore, with the approval of the Supreme Prince, a rescript was sent to the Platiensis Curia, instructing it to conduct the proceedings according to the norms of law, both regarding the asserted lack of consum-

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mation and regarding causes for dispensation, along with the authority to delegate. The Bishop of Platiensis, considering the distance of the places, established a tribunal in Heraclea through a delegated judge; the plaintiff and witnesses of the seventh degree were heard, who unanimously testified regarding the woman's chastity and the lack of consummation of the marriage. Furthermore, a man was examined in the Parmensi Curia, who also testified regarding the lack of consummation; however, what is lacking is that no witnesses of the seventh degree were questioned on the part of the man. After the proceedings were completed and transmitted to the Sacred Congregation, it was noted that there had been no examination of the woman's body; therefore, the same Bishop was ordered to "complete the proceedings regarding the examination," and in response to the woman's request, who "was suffering because she feared that this examination would be made in Terranova, fearing some publicity to her modesty," it was decreed that this examination be carried out by the Curia of Montisregalen, according to the woman's wishes.

SYNOPTIC DISCUSSION

OPINION OF THE CANONIST. With such divided intentions, the civil act was never perfected, although the man undertook some actions towards its celebration, albeit, it seems, not with a serious intention; moreover, efforts were begun to resolve the valid but unconsummated marriage. But, setting aside the useless attempts to perfect the civil act, a letter sent on June 5, 1895, from Luciano to Iosephina, was the cause, it is asserted, for which the woman finally appealed to the Holy See for dispensation from the valid but unconsummated marriage. However, it should be noted that, from the year 1893, there had been an expressed intention, at least on the part of the man, to obtain the dissolution of the marriage.

[*Latin ed. p. 168*]

168. The Bishop of Platiensis presented the case of the woman. This Bishop, after the Sacred Congregation [C] had obtained information and the opinion of the Bishop of Parmensis, within whose diocese the man resided, was delegated by the same Sacred Congregation to conduct the process according to the norms of the Constitution Benedictina, and the Instructions of the Sacred Congregation [C], dated July 22, 1840, both concerning causes of dispensation and concerning non-consummation; and, considering the distance of the place, Heraclea (in Newfoundland) from the city of Platiensis, and the difficulty of the journey, the Archdeacon Joachim Guerrisi was delegated to assist him. After the process was completed and transmitted to this Sacred Congregation, and it was noted that the examination of the woman's body had not been carried out, the Sacred Congregation ordered the aforementioned Bishop to complete

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the process with regard to the examination, and granted the woman permission to have it carried out by the Tribunal of Montiregale. Regarding the acts of the process, the Consultor noted the following defects. Since the man was present in the city of Parmensis, the Episcopal Tribunal of Parmensis was delegated "for the hearing of the aforementioned Lucianus and the witnesses, who are to be presented by him." However, in the report of this examination made by the episcopal chancellor, it is not stated whether the Canon of Mercati, who appears to have acted as the defender of the bond, took the oath, *Deo Gratia* [By the Grace of God]; but what is worse, no witnesses of the seventh kind were questioned. It is true that in response to the question: "Whether he would present any witnesses?" Lucianus indicated that he would present no witnesses; nevertheless, although according to the Instructions of the Sacred Congregation concerning witnesses of knowledge, it is stated: "It will be permissible for the spouses to present witnesses of good reputation and instructed in the matter..." ; concerning, however, witnesses of the seventh kind, or witnesses of credibility, the Instruction prescribes: "Then the examination of the seventh kind must proceed... In order that the judge may be able to carry this out more easily, the defender of the marriage will summon the party bringing the action, so that he may indicate seven... Similarly, if the defender of the marriage requests it, the other spouse must also be summoned to indicate seven...". And if a spouse presents no witness, then at least some must be summoned by order of the court, as the Sacred Congregation often prescribes, in order to supplement the deficiency.

[*Latin ed. p. 169*]

PLATIEN. 169. It is not stated whether an inquiry was sent by the defender of the marriage bond from the Platien Tribunal, as required by the Instruction of the Sacred Congregation. "If, perchance, those who are absent are known to be unable to conveniently access the city, at the request of the defender of the marriage, they shall be examined by the Bishop of the diocese in which they reside, through an inquiry prepared by the same defender, and sealed and transmitted, by a deputy appointed by the same Bishop, a suitable man." Regarding the merits of the question, the consultant stated: "I believe it is unnecessary to discuss the causes for dispensation, which are clearly evident from the facts presented, and which are primarily the separation of the parties; therefore, I shall simply state that there is a lack of consummation. Furthermore, the lack of consummation of the marriage is proven by the sworn confession of the spouses regarding the lack of consummation, confirmed by the testimony of seven witnesses from at least one side, and corroborated by other presumptions. The testimony of the woman is confirmed by the sworn testimony of seven witnesses. Although, as I noted above, the testimony of seven witnesses is

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lacking from the side of the man, there are still presumptions by which the credibility of the man's testimony can be confirmed. And first of all, the suspicion of collusion is excluded, not only because the spouses, for a long time, have been living in separate places and have had no communication with each other, but also because, although their testimonies agree in substance, they differ in accidental details. The witnesses of seven witnesses testify with one voice that the man only spent one night in the bride's house. This discrepancy, as I said, removes the suspicion of collusion, for as Farinacus observes in *Tractatus de Testibus*, question 66, number 24: 'it is perhaps better not to agree so thoroughly in accidental details, lest they seem to have premeditated, and therefore, since they are in agreement in the result and do not disagree in substance, nothing should be diminished in their credibility.' But furthermore, setting aside these accidental details, the truth regarding the substance, or the lack of consummation, is confirmed."

[*Latin ed. p. 170*]

170. Furthermore, this can also be inferred from other testimonies of the aforementioned man, which are found in his own letters. Moreover, it can be observed that it was of the utmost importance to the man's family to ensure that the marriage was not consummated before the celebration of the civil act; for, in the case where this could not be accomplished, either by force of military law or by the man's own malice, there would be a remedy in the form of a dispensation from the marriage, which would serve to safeguard the woman's future. Finally, the discrepancy in the details is not so great as to necessitate the condemnation of one or the other spouse to the charge of lying; for it is easily possible to attribute the statement of John regarding the double delay in the woman's house to the fact that the first delay refers more to the time preceding the marriage celebration than to the time that followed; this interpretation is consistent with the testimony of the other spouse and of the witnesses, who state that John was sleeping with the bride's brother, as the man himself testifies, and furthermore, it is consistent with the letters sent by him from the city of Caltanissetta and received by Josephina on the morning of April 19th, and therefore written on the 18th, or two days after the beginning of the marriage. Moreover, what is lacking in moral argument is supplemented by a physical argument derived from the examination of the woman. Three midwives, appointed for this purpose and instructed by two surgeons, of whom the parish priest testifies: "These are persons worthy of faith and of a scrupulous conscience," after a bath according to the norms of the Sacred Congregation, in a bright room, in the presence of a matron, examined the woman individually, and each, under oath, testified to the integrity of the woman's body. Although these testimonies would have had even greater efficacy if, in addition to the integrity of the hymen, they had also testified

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more distinctly about the other signs of virginity, which are commonly assigned by the Authors of Legal Medicine, such as Zacchias in Quaestiones Medicae Legales, book 4, title 2, question 1, and throughout; nevertheless, it cannot be denied that the integrity of the hymen is the principal sign of virginity, and there is no doubt that other signs also...

[*Latin ed. p. 171*]

PLAINTIFF. Seventeen examinations have been conducted, and the midwives have been recalled, with the doctors testifying that they have given the necessary instructions; and two midwives have testified that they found not only the hymen, but also all other parts of the genitals with their proper signs of virginity; so that the doctors who have heard such testimonies have been able to declare that carnal conjunction was entirely absent. After these things, it seems to me that it is safe to respond to the Question: Whether one should consult, etc. Affirmatively.

OBSERVATIONS OF THE DEFENDER OF MARRIAGE EX OFFICIO.

Joseph, who entered into marriage in April 16, 1893, with Luciano, she being 19 years old and he 29 years old, proclaims the marriage to be unconsummated. Although Joseph acquiesces to the opinion of the learned canonist consulted, I cannot nevertheless add my calculation to his opinion. Indeed, the argument, the testimony, namely of three midwives and two doctors, which is brought forward to establish the unconsummation of the marriage, is by no means sufficiently reliable. For in truth, it is not certainly known which parts of the woman's body, other than the hymen, the midwives examined. It is also not certain that the midwives conducted the examination separately. Finally, it is certain that the report of the completed examination was not made in writing, but orally, and orally only. Furthermore, with regard to the seventh witness, not even one witness was called from the husband's side. Indeed, when the husband and wife recount the matter so differently, we do not know to whom we should give more credence, unless the testimony of the seventh witness gives credibility to the husband. This, however, is of great importance. For if we add credence to Luciano, not only must we proceed with caution in admitting the unconsummation of the marriage, but it also appears that the spouses have enjoyed great freedom in consummating the marriage, and that there is also a just reason for dispensing with the marriage.

[*Latin ed. p. 172*]

172. Regarding this matter, I request that a new examination of the woman be conducted, with the assistance of other midwives and physicians, in accordance with the requirements of the law, and that the examination by seven witnesses be completed as required by law. After considering all that is contained in the proceedings, and what the

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canonist and the defender of the sacrament have argued concerning this matter, the question to be clarified is: Should the Most Holy [authority] be consulted regarding a dispensation from a marriage that is valid but not consummated in this case?

RESOLUTION OF THE SACRED CONGREGATION. After deliberation, on May 1, 1898, the Sacred Congregation decided to respond: With a preliminary review of the facts, affirmatively.

PADUA. Regarding a dispensation from marriage. On May 14, 1898. Session 24, chapter 5. Concerning marriage dispensations.

SUMMARY OF THE FACTS. On October 10, in the year 1876, in the parish church of Saint Vitus and Mauritius, in the diocese of Padua, Silvius, aged 22, validly entered into marriage with a young woman named Antonia, who was then 18 years of age. Immediately after the wedding, and throughout the entire period of their cohabitation, the spouses used the same marital bed, and although they attempted marital relations on several occasions, they never, according to their own testimony, consummated the marriage. The reasons why the marriage was not consummated are not explicitly stated in the records, and indeed, the testimonies of the spouses do not fully agree on this point. Nevertheless, despite this, the spouses lived together peacefully for approximately seven years; after which, Silvius abandoned his wife and ran away with another woman, with whom he had two children. Now, this man, wishing to appease his troubled conscience and to obtain the legitimization of his children, has appealed to the Most Holy [authority].

[*Latin ed. p. 173*]

PADUA, 173. She petitioned that her marriage, as if unconsummated, be dissolved. With the consent of the Pontiff, the Archbishop of Padua was ordered to conduct the proceedings, both concerning the alleged lack of consummation and regarding the causes for a dispensation. Indeed, the Ordinary duly conducted the proceedings, examining the spouses and their witnesses; and then the woman was subjected to the examination of experts.

The Synopsis of the Discussion: To fulfill the mandate, the Consultor said, I will present two points: 1. Whether a marriage of this kind should be considered valid but not consummated. 2. Whether there are sufficient reasons for granting a dispensation.

Regarding the first question: At first glance, it seems that the marriage should be considered consummated. And in truth, the cohabitation of the spouses, for approximately seven years, constitutes, as is well known, a strong presumption of consummation, according to law and in law. Furthermore, it was investigated how, in marriages that did not have a happy outcome, quarrels and disagreements usually arise. In contrast, in the mar-

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riage in question, there was great harmony of spirits, until the husband migrated to foreign regions. Nevertheless, as Cardinal Cossi observes in *De Separatoris*, chapter 2: "Cohabitation does not cause a marriage to lose its quality and denomination of validity, when it has not been consummated with effect. Therefore, precisely because such consummation is not proven, whether the spouses have cohabited, or whether they have slept together, or not, it will always be true that the marriage is simply valid." Therefore, the cohabitation, which only provides a presumption, but not proof, must always yield to the truth. Furthermore, if the procedural records are read with due diligence, they have appeared to me to have been properly initiated, prosecuted, and concluded; and that almost nothing is lacking in those things that are especially relevant in marriages of this kind.

[*Latin ed. p. 174*]

174 In Padua, per determinate cause, fu richiesto, o fu raccomandato, un giudizio sulla consumazione del matrimonio (riguardo al caso in questione); ritengo che non vi sia motivo di dubitare ragionevolmente della sua mancanza. In primo luogo, la mancanza di consumazione del matrimonio è provata dall'affermazione giurata dei coniugi. Infatti, la moglie fu interrogata tre volte in sede giudiziale, sotto giuramento, la cui gravità conosceva appieno, e rispose con parole esplicite: che si era sempre mostrata pronta a compiere il suo dovere verso il marito, e che non lo aveva mai negato; tuttavia, il matrimonio non era stato consumato. E la ragione è che mancò sia la penetrazione dei corpi, sia l'emissione dello sperma nel vaso appropriato. Ulteriormente, interrogata dal giudice, rispose: che non aveva provato alcun dolore durante l'atto coniugale, o meglio, durante i tentativi, né aveva emesso alcuna goccia di sangue; e che non era stata deflorata, ma era rimasta vergine. Infine, la stessa moglie afferma: che la mancanza di consumazione deve essere attribuita all'impotenza del marito. E non sembra errata. Infatti, lo stesso marito, dopo aver tentato invano di consumare il matrimonio, disse alla moglie: "Perdonami, ma ci ameremo comunque: ti perdonerò, ma ci ameremo ugualmente". L'altro coniuge, a sua volta, dichiarò davanti al giudice sotto giuramento: che si era verificato solo un contatto fisico, ma che il matrimonio non era stato consumato: e che aveva lasciato la moglie vergine, come l'aveva ricevuta. Lo stesso, tuttavia, non sa se la mancanza di consumazione debba essere attribuita a lui, o piuttosto alla moglie. Queste sono le sue parole: "È stato inutile che io cercassi di compiere l'atto coniugale; sia stato a causa di una certa riluttanza proveniente da me, o anche da Lei... certamente, il matrimonio... non fu consumato". Pertanto, qui abbiamo la confessione concordante di entrambi i coniugi, per quanto riguarda i ripetuti tentativi, senza tuttavia alcun risultato. Non è un ostacolo il fatto che i coniugi non siano d'accordo nel determinare la causa dell'asserita mancanza di consumazione. Infatti, non si chiede qui perché i coniugi non abbiano consumato il matrimonio;

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ma se lo abbiano consumato. In altre parole, la questione riguarda l'effetto, ovvero la consumazione: e su questo entrambi sono d'accordo. Ma...

[*Latin ed. p. 175*]

PADUA. Whether the collusion of spouses is to be considered? I will boldly say, in no way: especially considering the piety, probity, and religion of the wife; regarding which virtues, testimony is given (as will be shown below), not only by witnesses of the seventh hand, and by those induced by the judge, but also by the judge himself, who therefore calls her simple, candid, ignorant of cunning, or, using the words of the Judge, "without a shadow of malice"; furthermore, it must be added that the wife never saw her husband (after he fled), nor ever sent him a letter, nor received one from him. With these things established, let us conclude. If the sworn confession of spouses is considered of great importance, indeed, if their testimonies exclude the consummation of the marriage, according to the sacred canons, full faith must be given to them; moreover, if, as the Theologians of the Clerical Sacred Matrimony, Dec. XIII, state, it can be proven that penetration of the vessels was lacking in the forum, the marriage is declared not to have been consummated: since, from the concordant confession of both spouses, in the matter of fact in question, penetration of the vessels did not take place, it legitimately follows, unless I am mistaken, that, at least from this point, the inconsummation of the marriage must be maintained with safety and certainty. What, however, can be objected to this conclusion? I do not see. In addition to the statements and testimonies of the spouses, the testimony of witnesses of the seventh hand is stipulated, along with the testimony of those induced by the judge. Regarding these, two things must be noted. First: all the witnesses, who swore to deposit the truth, are all of full age, as affirmed by the Judge. Second: all the witnesses were found to be in agreement in attesting to the honesty, religion, sincerity, and veracity of Antonia: which in the judgment was called concrete sincerity, "la sincerità in persona." All the witnesses attest to this; and regarding the husband, they stated that Silvius abandoned his wife because he was unable to consummate the marriage. Nevertheless, they consider him to be truthful, and incapable of lying, especially in a matter of such great importance. Therefore, whether one considers the assertion of both spouses, confirmed by oath; or whether one considers the testimony of the witnesses, also confirmed by oath;

[*Latin ed. p. 176*]

176 It seems certain that the consummation of marriage is excluded in this case. Concerning the non-consummation of marriage, and how much a sworn deposition from the spouses is required, corroborated by the testimony of seven witnesses, close relatives, this is evident from Chapter V, concerning frigidity and impotence. It is sufficient to note this: namely,

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the confession of the spouses alone, accompanied by the testimony of seven close relatives, is sufficient to prove virginity... Ursaya, volume 3, discourse 21, number 138. In the chapter on laudable conduct, concerning frigidity and impotence. Since the principal argument for demonstrating that the marriage has not been consummated is the integrity of the woman's virginity, it remains to be investigated whether this integrity has been duly demonstrated. And first of all, it is certain that: an examination of the woman's body, for the purpose of legal proceedings, was conducted by three midwives, who had been instructed by two physicians, in the presence of a Matrona, in a well-lit room, after a bath had been prepared. Thus, the first midwife, Virginia Mangerotti, testified, or, as it is written in the procedural records, she uttered these words: "The genitalia of Antonia are found to be in a natural state (sono regolari): the larger labia are soft - the conjunction is perfect. The smaller labia are red externally, and the rest are pale." "The hymen cannot be seen, due to the narrowness of the opening (vagina) through which scarcely a writing quill (penna d'oca) could pass: the conformation of the parts makes the conjugal act difficult: and indeed, simple dilation causes pain... Considering all these things, I believe the woman to be intact." The second midwife, Anna Mannello, reports: "The genitalia are found to be in a natural state: the larger labia are joined together, and have their natural color and firmness. The hymen, due to the excessive narrowness of the vaginal opening, is very difficult to see - only a small, and rare, band can be seen (piccoli e rari frastagli). The vaginal opening is so narrow that scarcely a writing quill (penna di oca) can enter it. Considering all these things (dal complesso), it is evident: attempts...

[*Latin ed. p. 177*]

PADUA, 177, strongly suggests that the conjugal act took place; but that the marriage was not consummated: "I believe that the conjugal act could not have been completed." "The conformation of the parts makes the conjugal act very difficult." The third midwife, Maria Bernardi, states: "Whether concerning the genitals, or concerning the joining of the lips, the hymen, and the entrance to the vagina, etc., everything agrees perfectly and corresponds with what the other midwives have stated." Therefore, I believe that we should refrain from relying on her own words. These midwives, who individually examined the body of Antonia, each, under oath, testified before the Tribunal, and again affirmed that they found all the signs of perfect virginity in her, and that she had used no trickery or artifice to simulate virginity. Finally, two doctors, on the one hand, assert that full credence should be given to the midwives; on the other hand, they judge that Antonia is still a virgin. Therefore, if the examination of a woman's body, by suitable midwives, is truly, as it is said, a conclusive proof, excluding all doubt, and if, moreover, what the midwives have testified is true, namely

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that they found in the woman all those signs which the authorities indicate as evidence of virginity, then it legitimately (if I am not mistaken) follows that: the marriage in this case was not consummated; which was what needed to be demonstrated. Now, it remains to proceed to inquire: whether there exist legitimate causes for a dispensation, which undoubtedly are more numerous, and in law are suitable, whether common or particular.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE OFFICE. The marriage, which Silvius contracted on October 18, 1876, with Antonia, who was then 18 years old, while he was 22 years old, is declared to be imperfect. It is my duty to point out that, after the marriage, the newlyweds, according to the marital itinerary, "which lasted a good sixty days," as Silvius states, lived together and slept together for seven years. But, "in April 1883," Achilles Severe, a witness called by the plaintiff, states, "Silvius, a man of inconstant nature and habits," Acts, Volume XXXI, page CCCLXIII, 12.

[*Latin ed. p. 178*]

178. In Padua, he had entered into a relationship with another woman in Cittadella, the homeland of married couples, and had abandoned the marital home; with this woman, he had gone to America. The same witness adds: "After about a month, I received a letter from him (the plaintiff), written from America, and perhaps composed by some of his friends in Rome, in which he openly declared what had happened to him first with the marriage to Antonia; he assured me that both he and his wife had remained virgins, despite the prolonged marital cohabitation." I lament that the moderators of the proceedings did not order the witness to present the asserted letter. For it might perhaps have shed some light on the matter; but, alas, it abounds not in splendor. Indeed, midwives admit to attempts at intercourse, which they judge, not without hesitation, to be ineffective. Among these, Maria Sartori-Bernardi stated: "It is evident that, through certain collected tubes, which I believe to be remnants of the same, he had to yield to ineffective attempts at introduction." With these facts presented, the purpose was to clarify whether a consultation should be sought from the Most Holy [Father] regarding a dispensation from a marriage that was valid but not consummated in this case.

RESOLUTION. The Holy Congregation, after deliberation on this matter on May 14, 1898, decided to respond: Affirmative.

S. MINIATIS OBLIGATION. On June 18, 1898, Session 24, chapter 12, concerning reforms.

COMPENDIUM OF THE CASE. In the Cathedral Church of the diocese of S. Miniatis in the year 1702, when the Capitular constitutions were issued, there were only four Chaplains for the choral service, named after St. Philip, whose duties are explained in chapter XV of the Constitutions as

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follows:

[*Latin ed. p. 179*]

St. Miniatis 179: "Concerning the Office of Chaplains, by St. Philip, Chapter XV. "On all weekdays, and also on feasts and semi-feasts, without command, the Chaplains are to be obligated to sing the conventual Mass each week, or to designate another to do so if one of them is hindered, according to established custom." "Furthermore, the Deacon and Subdeacon are to be obligated to assist in the canonical weekly services on days of obligation, along with the hebdomadarius, or to substitute others if they are hindered, so that the Deacon and Subdeacon are not lacking in the solemn celebration of the Mass." "Nor are they to be excused from serving in the functions of the Most Holy Sacrament, and at funerals and wakes, and in processions, as is fitting; also on the feasts and wakes of nuns." "In the choir, they are to be obligated to read the first and second readings, and the antiphons, attending to all hours, and the sung Mass, and not to depart except after the divine offices have been completed." Subsequently, the Chaplains were obligated to serve in the office of the Deacon and Subdeacon of the hebdomadarius, who, according to Chapter V of the Constitutions, was obligated to perform the following, among other things: "The hebdomadarius is to be obligated to perform the function for the dying at the Main Altar, kneeling before the Sacrament, with the Deacon and Subdeacon, as is customary, on the first Saturday of each month. Similarly, the functions for a good death are to be performed each Sunday with the Deacon and Subdeacon." Later, other chaplaincies were founded in the Cathedral Church, with the obligation to serve the choir, namely, two commonly called Burrini, and three called Malegonelle. However, due to the meager revenues of the chaplaincies, only a portion of the choral service could be imposed by the founders. This miserable condition of the chaplains and the Cathedral Church moved the heart of a certain Peter Fensi, a most pious man, who, in his will, requested on June 15, 1827, that a considerable sum of money be donated to the Church, so that the chaplains, provided with a suitable salary, might serve the Church with more dedicated work in the future. In a Chapter meeting held on June 15, 1827, in which this donation was accepted and received with great praise... "

[*Latin ed. p. 180*]

180. The Minor Basilica was commended, and a certain common Mass was established, to which all chaplains were to participate equally, thus equalizing the burdens of all, both individually, with regard to choral service. However, it must be noted that, in the aforementioned laudable decree, it was expressly stipulated that the special foundations of individual chaplaincies were not to be undermined by the established common Mass, but rather that the revenues from participation in the common Mass were

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merely to be added; that is to say: "declaring that this is not intended to infringe upon the specific rights, nor to transfer ownership or alter, in any way, the property of each particular chapel, or that which belongs to the respective chaplaincies, but solely to regulate, order, and direct the administration and collection, and disbursement of the fruits, for the most useful regulation and service." These points were to be considered in the constitutions of the chaplaincies, which were to be established as their own benefices, with the added right of participating in the common Mass. However, today, the question arises regarding the obligations of the chaplains who are dedicated to choral service. For, as the Canons report, since the year 1869, due to the very diminished revenues of the Church, the prayer for the dying was no longer celebrated in the Cathedral, and only a pious function for a good death was held. Nevertheless, another function has also been restored today, with the somewhat increased revenues of the Chapter. Furthermore, with the increasing daily attendance of the faithful to the Church, it was deemed best to restore the old custom, namely, the assistance of Deacons and Subdeacons in one or another function, by the chaplains. However, this did not please the chaplains, who considered that they were not bound by this obligation, because there is no mention of it in the decree of the year 1827, in which the rights and duties of the chaplains were solemnly established, and because, from that time, neither to one function nor to the other has this service been rendered; therefore, they argue that whatever obligation has been prescribed, and if anything was involved in this matter. The chaplains complained about the obligation imposed upon them to the...

[*Latin ed. p. 181*]

Saint Miniatis, 181. The matter was brought before the Curia, but since the discussion was prolonged, it was referred to the Sacred Congregation of Rites on June 26, 1897. The Synoptic Discussion concerns the JURA CANONICORUM. First, they bring forward chapter XV of the Constitutions of the year 1702: "De Officio Cappellani S. Philippi," as mentioned above. They argue that this office – namely, to prepare Deacons and Subdeacons for the functions of the Holy Sacrifice – should be extended to other, more recent, chaplains, citing the aforementioned decree of 1827. The Canons state that no objection can be raised to the words of the decree, which merely stipulate that chaplains should intervene and assist, and not that they should themselves prepare Deacons and Subdeacons, because here we are not speaking of establishing a new service altogether, but of reforming an existing one. Indeed, a reform consists entirely in clearly demonstrating what is abolished or what is introduced, and is not overly concerned with what remains unchanged. Hence, the rule commonly enunciated by the Canons regarding corrective laws: "It is not considered that a prior law has been changed more than is expressed in

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the subsequent law" (Reiff, de Constit, n. 419). If the Decree in article 18 obligates chaplains only to prepare [candidates] in Canonical Masses, then, according to the Capitulars, this obligation should not be restricted, for it is clearly evident from the entire Decree that the intention of the legislator, as well as of the pious testator, was "il più decoroso servizio della Chiesa Cattedrale" (the most fitting service of the Cathedral Church). However, the chaplains insist that the Decree of Pierazzi of 1827 completely abrogated the Constitutions of the year 1702. The Canons respond that, certainly, no one can deny that the Constitutions remain in full force in all those matters in which they are not contradicted by the Decree, and for this purpose, they recall article 10 of the Capitular Decree of August 25, 1827, which states: "That these [chaplains] be reminded of the provisions of the Capitular Constitutions concerning them, and that they be instructed in their exact observance." This decree was issued to regulate the service of the Cathedral Church, in order to correspond with another decree in which the office of the chaplains was being reformed.

[*Latin ed. p. 182*]

182 Saint Miniatus. The Chaplains object, stating that they have never performed the duties of Deacon and Subdeacon since the year 1827. To this objection, the Canons reply that this must be proven, without exception, by the Chaplains; and furthermore, they note that, by common law, the Canons have the power to enact laws or to establish statutes concerning matters and affairs pertaining to the Church, without the participation of the beneficed clergy. And if, at any time, they can enact new statutes concerning the service of the Church, then, all the more so, they can restore to force laws that have been neglected for some time. The Canons, however, believe that the approval of the Bishop was not necessary in this matter, for the introduction of an obligation; since, in matters of lesser importance, the ratification of the Bishop is not required. They infer that this matter is not of great importance, because the Chaplains are obligated to attend these functions; therefore, there is little difference between simple attendance in the choir and weekly attendance at the altar in the office of Deacon and Subdeacon. The Canons support their intention with the opinions of the Doctors, arguing as follows: "Indeed, it is certain that, by common law, the Chapter has the power to enact laws or to establish statutes concerning matters and affairs pertaining to the Church and for the peaceful governance thereof, etc. - as decided by the Holy Council on December 3, 1635 (P. VII, Bec. 76, rec.); and it is equally certain that the Chapter can do this without the participation of the beneficed clergy, who, as ministers of the Church, are bound to obey these [statutes] - as also decided by the same Holy Council (Dec. 67, coram Merlino). Indeed, the office of the beneficed clergy or Chaplains - is merely that of servants - as expressed by Scarfantonio (Bouix, de Capit. P. IV, c. 7, § 2). Therefore, Pignatelli (Tom. VI, con. 49,

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n. 2) writes: - It is not doubtful that the power to enact laws concerning the governance of the Church and concerning all matters pertaining to its peaceful governance, for the promotion of divine worship, resides with the Chapter, to which the beneficed clergy, as ministers of the Church, must obey, etc. - ”

[*Latin ed. p. 183*]

St. Miniati presents this reasoning: ”Since only the Canons have complete administration in the Church, and only they form one body with the Prelate without benefices, and only they represent the Church, etc.” Elsewhere, the aforementioned author explains how, at any time, the Canons can make laws, and the Chaplains are obligated to observe them. ”For just as the Chapter and the Canons always have the right to establish statutes, especially concerning divine worship and the service of the Church, about which we are now speaking, as has been frequently affirmed by the Holy Roman Rota, etc., so that these may not be rendered null and void, they must always be observed by the beneficed clergy and chaplains, just as they are observed by the Canons themselves, who are their superiors; otherwise, many incongruous and absurd things would follow, etc.” (Pignatelli, Cons. 55, n. 5). This author cites, in this regard, a resolution of the Holy Congregation of Rites of August 22, 1652, which establishes: ”Chaplains are subject to the Chapter in matters pertaining to the service of the Church, just as they are subject to the Canons and other members of the same Church, etc.” Now, if, at any time (quovis tempore), the Canons can issue new regulations concerning the service of their Church, and the chaplains and beneficed clergy are obligated to observe them, it seems impossible to deny the Canons themselves the right to reinstate old regulations, even if they had been without observance for a longer or shorter period, whenever they deem it convenient for the greater dignity of the sacred functions. To deny such a right would require admitting that to reinstate a law that has not been observed requires greater power than to enact it anew.” From the author Bouix, in his work *De Capitulis* of Pope Pius IV, § 5, the following opinion of Suarez is quoted: ”The Chapter can establish certain things that pertain to the good order and governance of the Chapter, even without the consent and confirmation of the Bishop.” Finally, the Canons point out that it is not the case that the decree of 1827 abolished the old obligations, since the condition of the chaplains has been made much better in this regard.

[*Latin ed. p. 184*]

184 The Chaplains, in response, cite St. Miniatis, stating that in the new Decree of 1827, the duties mentioned were not given as examples, but expressly; and certainly not included therein was the obligation of serving weekly at the functions of the Dying and the Good Death. Therefore, the Decree of 1827 was issued to establish a new method of service to be pro-

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vided by the Chaplains; and in it, everything was completely and anew established, so that the old laws are no longer to be invoked. They note that each word was expressed with full deliberation, and they warn to be careful in article 21 of the same decree: "We reserve to the Ordinary, from time to time, to make all those additions, variations, explanations, and modifications that, for the better service of the aforementioned church and for the benefit of the serving Chaplains, will be deemed in every way appropriate." Furthermore, the Chaplains do not admit that the duties of the Chaplains have been increased along with the increased revenues, according to the new decree, because in the same [decree] it is stated: "Having seen the act of foundation of the four chapels of the Filippini, to which no new burden or obligation is imposed, while their conditions are improved with the present regulation, etc." Moreover, the Canons argue that the context gives force to their interpretation when they deduce the disputed obligation from the following words: "...The Chaplains are obliged... to all Capitular functions." For they point out that the functions of the Dying and the Good Death are certainly not Capitular or choral; because these are mentioned in article 14, where the Chaplains are ordered to wear the habit of the Chaplains and are prohibited from going out of the choir. Since the Canons insist that the new decree did not expressly derogate from the old one, as it should have done, regarding the disputed functions, the Chaplains reply that the intention of the new decree was to improve the condition of the Chaplains, and therefore, in article 21, the Ordinary was given the power "to make, from time to time, those additions, etc., that will be deemed appropriate for the benefit of the Chaplains."

THE RIGHTS OF THE CHAPLAINS.

[*Latin ed. p. 185*]

Saint Miniatis 185. The canons cite the prescription issued by the Chapter in the same year in which the new method of service for the chaplains was decreed; namely, "that the chaplains be reminded of what is prescribed in the Capitular Constitutions concerning them." However, the chaplains reply that this precept revokes the Capitular Constitutions in general, and not the Constitutions issued in the year 1702. But, even granting this, the chaplains argue that the disputed obligation was not abolished by the decree of the new method, but rather was a custom established by long usage. They testify: "In fact, from the decree of Monsignor Fazzi, that is, from the year 1727, until the present day, the chaplains, whether deacons or subdeacons, have not assisted the hebdomadal canon in those two functions, but rather two clerics wearing the clerical garb have always assisted him in their place." Therefore, the chaplains conclude that they are not obligated by the disputed duties, neither presumptively nor interpretively, nor by prescription. Not presumptively, because "observance is the best interpreter

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of the foundation of the law," as L. Minimi writes in *De legibus*, Chapter concerning custom. De Luca, in *De interpretatione*, discourse 60, number 9, and Lott, in *De re beneficiorum*, book 2, question 1, number 125, teach that "this must be primarily considered, namely, the law concerning interpretation, because it resolves all ambiguities," especially when "it is closest to and contemporaneous with the foundation of the law," as Piton writes in *Descriptio Ecclesiae*, discourse 159, number 44. If the testimonies cited refer to an observance that is not close to or contemporaneous with the decree, the chaplains point out that the Rota teaches before Motines, on March 27, 1705, Giennen, in the *Additiones*, number 9: "That observance that follows declares the preceding state"; and in another decision before Falconerio Barchinon, on January 10, 1721, it is stated: "But the subsequent observance best declares what was agreed upon between the parties." The chaplains argue that there is no doubt about this.

[*Latin ed. p. 186*]

186. The line of reasoning presented; chapter final. Concerning custom: "Although a long-standing custom does not lack authority, it is nevertheless not so powerful that it should necessarily generate a legal presumption, unless it has been rationally and legitimately established." They then recall that the decree of the *nova methodus* has been in effect for 70 years, and that, according to testimonies, at least for the past forty years, those burdened by this controversy have no longer been subject to its constraints; but, "No private or public right in any person, which has been acquired for forty years, is extinguished by constant silence, according to the law (4 Cod. de Praescript. 30 or 40 years)." This law is confirmed by Chapter 6 of the Decrees, Rule IX, on Prescription: "The forty-year prescription completely extinguishes every action." Furthermore, the Canons argue that their duties cannot be increased by the Canons once they have been established in the decree of the *nova methodus* of service; and that the Ordinary has expressly reserved to himself "the power to make, from time to time, all those additions, variations, modifications, and explanations that may be deemed in any way appropriate for the better service of the aforementioned Church and for the benefit of the serving Canons." Moreover, according to the Canons, it is not permissible for the Canons to issue new regulations governing the service of the choir whenever these regulations increase the burdens of the beneficiaries, whose rights and duties cannot be changed without violating the foundation charter. Indeed, if such new laws were to take away a right acquired by a third party, or by a beneficiary, only the Pope can abolish such acquired rights. Thus, De Herdt, *Prax.*, Chapter XXXI, § 2, n. V: "A chapter cannot revoke, even with the consent of the Bishop, the status from which a right has been acquired to another. The reason is because, in no way can a right acquired by a third party be taken away by those lower in authority." Finally, they point out that the right of

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a third party cannot be violated, even if it is a minor violation, as if it were a trivial matter, since a violation of solemnly acquired rights can never be considered a trivial matter.

[*Latin ed. p. 187*]

SAINT MINI ATIS 187. Having considered the arguments on both sides, the matter under consideration was to resolve the doubt: Whether Chaplains are obligated, in the exercise of their office as Deacons and Subdeacons, to minister at the Canonical Weekly celebration of the functions called the Agony and the Good Death in the aforementioned case. RESOLUTION. The Sacred Congregation, after deliberation on June 18, 1898, decided to respond: At the prudent judgment of the Bishop. LÉRIDA. REGULARITY. July 16, 1698. By summary petitions. SUMMARY OF THE CASE. The Bishop of Lérida, on November 24, 1895, presented these supplications to the Sacred Congregation: "The undersigned Bishop of Lérida, humbly prostrate at the feet of the Holy Congregation, explains as follows: Anthony Salmas Balaguer, 27 years of age, a student of Sacred Theology in the Conciliar Seminary of this diocese, has contracted an irregularity in his right hand, due to an unexpected explosion, and after the event, he was unable to grasp anything with that hand. At the present time, as is attested by the testimony of the Master of Ceremonies of His Eminence, the Cathedral, and the sworn testimony of two physicians, although he cannot grasp objects, he is nevertheless able to hold them and perform the actions prescribed by the rubrics, with the exception of the administration of Holy Communion, for which it is necessary that he be permitted to do so with his left hand, and the elevation of the Host, which must be placed between the index and middle fingers, and he must certainly be assisted by his left hand to raise it securely. The aforementioned person possesses sufficient literary capacity and is a witness to a life of good conduct, and therefore he requests a dispensation from the irregularity in order to receive the first tonsure and all the minor and major orders."

[*Latin ed. p. 188*]

188. The Master of Ceremonies, having been questioned by the Bishop, reported that the left hand of the cleric Anthony Salinas of Balaguer appeared less rigid than in the previous year, so that he could move the first phalanges, with the hope that things might improve over time. The physician, however, stated that the wound on the cleric's right hand had already healed, and although the strength of this hand is not great, it is nevertheless capable of lifting weights that are not light, and of performing tasks with perfect agility. The deformity of the hand, resulting from the wound, is such that it can be clearly seen as a small scar. The second physician, who had been consulted, concurred with the opinion of the first.

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A Synopsis of the Discussion:

However, it appears that there are several obstacles to the requested dispensation. Firstly, it is not clear whether the cleric can adequately perform the sacred ceremonies during the reception into the Order, namely, whether he can "perform the actions of touching the host, the paten, and the chalice in the manner prescribed by the rubrics." Furthermore, in the Old Testament, those who suffered from any bodily defect were carefully excluded from serving at the altar. Therefore, this principle should be even more strictly observed in the New Testament; hence, irregularities resulting from defects are found established in the collection of the Apostolic Canons. Later, these irregularities were almost definitively and rigidly determined, so that a dispensation was granted only when those who had already been promoted to the sacred orders would not have "additional suffering added to their affliction." Nevertheless, in chapter 2, concerning a sick cleric, the celebration of Mass is forbidden to a presbyter to whom two fingers, along with half of the palm, had been severed from the hand. And the Sacred Congregation in Burgen, on January 24, 1864, denied a dispensation to a certain Joachim De Fayas, who, due to a burn, had contracted tendons in the thumb and index finger of his right hand, and who lacked half of the phalanges of each finger, even though the Master of Ceremonies had given a favorable opinion and the commendation of the Archpriest favored the cleric's prayers.

THE DISPENSATION APPEARS TO BE DENIABLE.

[*Latin ed. p. 189*]

FROM THE SACRED CONGREGATION. 189. But weighty reasons suggest that indulgence should be granted. Firstly, the orator's character, his disposition, and the nature of the infirmity, which appears to be diminishing day by day, are to be considered. Furthermore, there are abundant examples in the Sacred Congregations of dispensations from such defects in the celebration of the Mass, in which the rigor of the canons has been tempered by leniency. Indeed, in Pamplona, on March 31, 1860, a dispensation was granted to a cleric to use his left hand in the sacred ceremonies of the Mass, because he was unable to make the sign of the cross with his right hand, nor to bring the chalice to his lips. Thus, in Cephalonia, on June 18, 1866, a dispensation was granted to the cleric Joseph Gianni, who lacked the thumb on his left hand; and more recently, in Novare, on June 27, 1891, although the orator lacked one phalanx on the thumb and two phalanges on the index finger of his right hand; and in Como, on February 27, 1864, a favorable response was given to a certain Fogli, who "suffered from a perfect ankylosis in his right knee (so it is written), and could not bend it until the ground, but could perform a sort of half-genuflection." Recently,

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in Cologne, on May 25, 1895, the Sacred Congregation granted an indulgence to certain religious orders, stating: "The decision and conscience of the Archbishop are to be followed, provided that a true necessity for the Church is present, according to the words spoken with the Most Holy." In this case, it concerned a certain young man named Kehren, who was still engaged in literary studies at the Kempense gymnasium and was afflicted with a serious defect in his left hand, which was described by the master of ceremonies as follows: "John Kehren has a poorly formed left hand from birth. Only the thumb is well formed; the other four fingers are conjoined and connected by a membrane, and are also smaller than the fingers of his right hand, so that they do not exceed half their size. They are soft and weak, like the fingers of a child. Even the thumb and the rest [of the left hand] are smaller than the thumb and the rest of the right hand." In light of these observations, the question arises as to what should be answered in prayer. IT SEEMS THAT A DISPENSATION SHOULD BE GRANTED. (1) Recolle, Vol. XXVIII, 261.

[*Latin ed. p. 190*]

190. FROM ILERDEN. RESOLUTION. The Sacred Order, having considered the matter on July 16, 1898, decided to respond: provided that there is a need for the Church, and that the danger of irreverence in performing the sacred rite is not feared, for the sake of granting a dispensation, and by the judgment and conscience of the Bishop, the following is approved: With the Most Holy Congregation of Rites of Marseilles, the Litany of the Most Holy Heart of Jesus is approved, so that it may be recited and chanted publicly in the churches and chapels of the Dioceses of Marseilles and Autun, and throughout the entire Order of the Visitation of the Most Blessed Virgin. The Most Reverend John Robert, Bishop of Marseilles, submitted to the Most Holy Pope Leo XIII these very Litanies of the Most Holy Heart of Jesus, as a great and pleasing gift to the clergy and people of Marseilles, especially because, in the year 1720, these same Litanies had obtained, through divine goodness, the liberation of Marseilles from the plague. Therefore, the Most Reverend prelate humbly requested that these same Litanies be approved by Apostolic authority and be permitted to be recited publicly in his Diocese of Marseilles. Upon the request of the Most Holy Pope, the Sacred Congregation of Rites examined the aforementioned Litanies, and, considering the fervent desire of the Most Reverend Cardinal Adolph Louis Perraud, Bishop of Autun, who had previously demonstrated great zeal for his Diocese, and of the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and after carefully considering all matters, it was decided that these same Litanies, as they appear in the preceding example, and with the invocations added from other Litanies of the Most Holy Heart of Jesus that were circulating, could be approved, so that the number of thirty-three invocations would be fulfilled in memory and honor of the temporal life of

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the Divine Redeemer. Furthermore, His Holiness, referring to the aforementioned Cardinal, Prefect of the Sacred Congregation, having approved the decree of the Sacred Council, approved these Litanies and granted a special Indulgence to the Dioceses of Marseilles and Autun, and to the entire Order of the Visitation of the Most Blessed Virgin, so that they may be recited and chanted publicly in churches and chapels. Notwithstanding any objections to the contrary. June 27, 1898. L. CAMILLUS CARD. MAZZELLA, Prefect, S. R. C. DIOMEDES PANICI, Secretary, S. R. C. * S.

[*Latin ed. p. 191*]

From the Sacred Liturgy, number 191: The Litany of the Most Sacred Heart of Jesus.

Kyrie, eleison. (Lord, have mercy.)

Christe, eleison. (Christ, have mercy.)

Kyrie, eleison. (Lord, have mercy.)

Christe, audi nos. (Christ, hear us.)

Christe, exaudi nos. (Christ, graciously hear us.)

Pater de caelis, Deus, miserere nobis. (Father in heaven, God, have mercy on us.)

Filii Redemptoris mundi, Deus, miserere nobis. (Son, Redeemer of the world, God, have mercy on us.)

Spiritus Sancte, Deus, miserere nobis. (Holy Spirit, God, have mercy on us.)

Sancta Trinitas, unus Deus, miserere nobis. (Holy Trinity, one God, have mercy on us.)

1. Cor Iesu, Filii Patris aeterni. (Jesus, Son of the eternal Father.)

2. Cor Iesu, in sinu Virginis Matris a Spiritu Sancto formatum. (Jesus, formed in the womb of the Virgin Mother by the Holy Spirit.)

3. Cor Iesu, Verbo Dei substantialiter unitum. (Jesus, substantially united to the Word of God.)

4. Cor Iesu, Maiestatis infinitae. (Jesus, of infinite majesty.)

5. Cor Iesu, Templum Dei Sanctum. (Jesus, the Holy Temple of God.)

6. Cor Iesu, Tabernaculum Altissimi. (Jesus, the dwelling place of the Most High.)

7. Cor Iesu, Domus Dei et porta coeli. (Jesus, the house of God and the gate of heaven.)

8. Cor Iesu, fornax ardens caritatis. (Jesus, the burning furnace of love.)

9. Cor Iesu, iustitiae et amoris receptaculum. (Jesus, the receptacle of justice and love.)

10. Cor Iesu, bonitate et amore plenum. (Jesus, filled with goodness and love.)

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11. Cor Iesu, virtutum omnium abyssus. (Jesus, the abyss of all virtues.)

12. Cor Iesu, omni laude dignissimum. (Jesus, worthy of all praise.)

13. Cor Iesu, rex et centrum omnium cordium. (Jesus, King and center of all hearts.)

14. Cor Iesu, in quos sunt omnes thesauri sapientiae et scientiae. (Jesus, in whom are all the treasures of wisdom and knowledge.)

15. Cor Iesu, in quo habitat omnis plenitudo divinitatis. (Jesus, in whom dwells all the fullness of the Godhead.)

16. Cor Iesu, in quo Pater sibi bene complacuit. (Jesus, in whom the Father was well pleased.)

17. Cor Iesu, de cuius plenitudine omnes nos accepimus. (Jesus, from whose fullness we have all received.)

18. Cor Iesu, desiderium collium aeternorum. (Jesus, the desire of the everlasting hills.)

19. Cor Iesu, patiens et multae misericordiae. (Jesus, patient and full of mercy.)

20. Cor Iesu, dives in omnes qui invocant Te. (Jesus, rich to all who call upon You.)

21. Cor Iesu, fons vitae et sanctitatis. (Jesus, the fountain of life and holiness.)

22. Cor Iesu, propitiatio pro peccatis nostris. (Jesus, propitiation for our sins.)

23. Cor Iesu, saturatum opprobriis. (Jesus, filled with reproaches.)

24. Cor Iesu, attritum propter scelera nostra. (Jesus, afflicted because of our sins.)

25. Cor Iesu, usque ad mortem obediens factum. (Jesus, made obedient unto death.)

26. Cor Iesu, lancea perforatum. (Jesus, pierced by a spear.)

27. Cor Iesu, fons totius consolationis. (Jesus, the fountain of all consolation.)

28. Cor Iesu, vita et resurrectio nostra. (Jesus, our life and resurrection.)

29. Cor Iesu, pax et reconciliatio nostra. (Jesus, our peace and reconciliation.)

30. Cor Iesu, victima peccatorum. (Jesus, the victim for the sins of the people.)

31. Cor Iesu, salus in Te sperantium. (Jesus, salvation for those who hope in You.)

32. Cor Iesu, spes in Te morientium. (Jesus, hope for those who are dying.)

33. Cor Iesu, deliciae Sanctorum omnium. (Jesus, the delight of all the saints.)

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Agnus Dei, qui tollis peccata mundi, parce nobis, Domine. (Lamb of God, who takes away the sins of the world, have mercy on us, O Lord.)

Agnus Dei, qui tollis peccata mundi, exaudi nos, Domine. (Lamb of God, who takes away the sins of the world, hear us, O Lord.)

Agnus Dei, qui tollis peccata mundi, miserere nobis. (Lamb of God, who takes away the sins of the world, have mercy on us.)

[*Latin ed. p. 192*]

192 From the Ritual of the Most Sweet and Humble Heart of Jesus: "Make our hearts conform to Your own." Let us pray: Almighty and eternal God, look upon the Heart of Your most beloved Son, and upon the praises and satisfactions which, in the name of sinners, He offers to You; and to those who ask for Your mercy, grant forgiveness of sins, in the name of the same Jesus Christ, who lives and reigns with You in unity with the Holy Spirit, God, forever and ever. Amen. FROM THE HOLY CONGREGATION OF THE INDEX. Feast of the fifth day of the week, September 1st, 1898. The Holy Congregation of the Most Eminent and Reverend Cardinals of the Holy Roman Church, by order of His Holiness, our Lord Pope Leo XIII, and the Holy Apostolic See, concerning the Index of books of false doctrine, and their condemnation, expurgation, and permission throughout the Christian Republic, having met in the Apostolic Palace at the Vatican on September 1st, 1898, condemned and ordered the following works to be placed on the Index of Prohibited Books: *Il pessimismo di sentimento o « dolore del mondo » (The Pessimism of Sentiment or "The Pain of the World"), Part One. Prolegomena. By Professor Luigi de Rosa, Director of the accredited gymnasium of Nicastro. Nicastro, typography and bookstore F. Bevilacqua. 1896. *Paris, par Emile Zola. Paris, Bibliothèque Charpentier, Eugène Fasquelle, editor. 1898. *Monks and their Decline by Reverend George Zürcher, Pastor of St. Joseph's Church, Buffalo, N.Y. 1898. *Steps towards Reunion by the Reverend J. Duggan, Catholic priest of Maidstone, author of "The Life of Christ." London, Kegan Paul, Trench, Trübner & Co. 1897. *Brière (under the false name of George Perdrix), Author of pamphlets entitled: *Le vrai mot de la situation présente* (The True Word of the Present Situation). Paris. 1877. — Letter addressed to Monsieur l'abbé Pouclée, Diocesan Official of Chartres, prohibited by decree of April 8th, 1878, and who has commendably submitted. *Di Bernardo, Domenico, Author of the work entitled: *Il divorzio considerato nella teoria e nella pratica* (Divorce Considered in Theory and Practice). Volume One. Palermo 1875, prohibited by decree of April 8th, 1878, and who has commendably submitted.

[*Latin ed. p. 193*]

193 LETTERS from His Holiness Pope Leo XIII to His Eminence Cardinal Langénieux, Archbishop of Rheims, concerning a society established

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in France for the preservation and protection of Holy Places in the Holy Land, to His Most Beloved Son. Most Beloved Son. With great satisfaction, We have learned from your letter that eminent men have conceived the idea of forming in France a national committee for the preservation and defense of the French protectorate in the Holy Land. No undertaking could better correspond to the generous and chivalrous traditions of your noble homeland, which was, above all others, the land of the Crusaders. Many centuries have passed since then, and many attacks have been made upon the Church in order to weaken the faith. But the worship of the Holy Places has been maintained at all times. If, at certain intervals, it seemed somewhat to languish, We see it today reasserted with vigor in those peaceful pilgrimages of Christian piety, which We have been pleased to encourage on many occasions. Moreover, We cannot but greatly praise the work now happily inaugurated, new in form, but old in spirit, which seems to us to respond to the needs of the day with increasing urgency. Indeed, no one is ignorant that you, Our Most Beloved Son, have seen and experienced with your own hands how many are in suffering and of what dangers they are.

Maximocum animi nostri solatio ex tuis litteris acceptimus, quosdam praeclarissimos Viros consilium iniisse, civium Societatem conservandi ac defensioni gallici coetus insignis, qui Loca Sancta tueri profitetur, in Gallia constituendi. Nullum profecto aliud opus generosis nobilibusque Patriae vestrae, quae prae coeteris Crucem, militiae notam, gestantium, princeps terra fuit, traditionibus aequerespondere posset. Pluraque exeotempore transiere saecula, pluries iam perduelles Ecclesiam, ad eius Fidem labefactandam, aggressi sunt. At vero Sanctorum Locorum cultus et observantia immota perstitit. Si quando iste cultus paulisper languescere visus est, hunc iterum hodie mirandum inmodum excitari conspicimus in frequentibus peregrinationibus eo undique christiana pietate peractis, quas Nos subinde lubentissime commendassemus. Opus igitur fauste incoeptum Nobis omnino laude dignum visum est; novumquidem forma, antiquum autem spiritu; quod Nos iis in locis christianorum necessitatibus, in dies excre- Acta, Tom. XXXI. fase. CCCLXIV. 13

[*Latin ed. p. 194*]

194 Letters have defended the interests of Catholics in Palestine. These interests, as everyone knows, are particularly connected with the ownership and use of the sanctuaries built by the piety of our forefathers, in those places where the mysteries of the redemption of men were accomplished. Enemies of the Catholic name redouble their activity and efforts to hinder the piety of the faithful children of Holy Church, even within the sanctuaries themselves. Therefore, the work of which you speak, most beloved Son, arises at a propitious time, and We hope for the most fruitful results in the future. France has a special mission in the East, entrusted to it by divine Providence; a noble mission, consecrated not only by cen-

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turies of practice, but also by international treaties, as Our Congregation of Propaganda solemnly recognized these days with its declaration of May 22, 1898 (1). Indeed, the Holy See does not wish to touch anything of the glorious heritage that France has received from its ancestors, and it intends, without a doubt, to preserve it, always proving worthy of its mission. We desire, therefore, to act prudently and wisely. For you, most beloved Son, it is known to no one how many calamities afflict the Christian Religion in Palestine, and how many dangers surround it. Indeed, the condition of religion there depends primarily on the ownership and use of the sacred buildings, which our forefathers built in those very places where the sacred mysteries of human redemption were accomplished. Enemies of the Catholic name redouble their actions and efforts to hinder the piety of Catholics within these very sacred buildings. Therefore, the work of which you write, most beloved Son, comes at a timely moment, and We hope that it will bear abundant fruit. France holds a special mission in the regions of the East, entrusted to it by divine Providence itself. This noble mission is not only consecrated by centuries of use, but also confirmed by the consent of nations; as Our Congregation for the Propagation of the Christian Faith solemnly recognized these days with a declaration issued on May 22, 1898. Indeed, the Holy See does not wish to touch anything of the most illustrious patrimony (1) From the letters of the Holy Congregation of Propaganda Fidei of May 22, 1898. — It is known that the protection of the French nation in the regions of the East has been in effect for centuries, and that it has been confirmed by treaties even between empires. Therefore, nothing should be changed in this matter. This kind of protection, wherever it is in force, must be religiously maintained; the missionaries should be reminded of this, so that if they ever need help, they should turn to the consuls and other officials of the French nation. Even in those places where the protection of the Austrian nation was in force, the same should be maintained without change.

[*Latin ed. p. 195*]

Therefore, let those who are members of the already formed Association, inspired fully by these elevated thoughts, and having at heart the great interests of religion and the homeland, offer to France a generous contribution in the fulfillment of its mandate, which has been entrusted to it for six centuries. May these united efforts ensure a peaceful existence for the Catholic Church in the East, and allow it to work successfully for the propagation of the true faith, and for the return of the lost sheep to the fold of the Supreme and only Shepherd. And now, as a pledge of our paternal affection, we grant you, our most dear Son, the Apostolic Blessing. Given in Rome, near Saint Peter's, on the 20th of August, in the twenty-first year of our Pontificate. LEO XIII, POPE.

193. That which Gallia has received, she does not wish to alter or change

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in any way; and she considers it fitting to preserve it intact, because, having faithfully fulfilled the duty entrusted to her, she deems it worthy of respect. Therefore, we exhort that you, chosen and enrolled members, informed by these sublime sentiments, and with the sincere interests of Religion and the Homeland before your eyes, offer a strong support to Gallia, so that she may properly fulfill the task entrusted to her six centuries ago. May these united and combined forces finally restore a safe and peaceful condition of life to the Catholic Church in the East, so that the Church itself may, with good success, labor for the propagation of the true Faith, and for the return of the stray sheep to the fold of the Supreme and only Shepherd. Now, as a pledge of our paternal love, we bestow upon you, our most dear Son, the Apostolic Blessing. Given in Rome, near St. Peter's, on the 20th of August; in the twenty-first year of our Pontificate. LEO XIII, POPE.

[*Latin ed. p. 196*]

196 FROM THE HOLY CONGREGATION OF THE COUNCIL, PREMISLIEN. ON MARRIAGE, May 14, 1898. Chapter 1. Session 24. Concerning the reform of marriage. On July 26 of the year 1891, in the Cathedral Church of Premisli, after the customary proclamations, the Queen duly entered into marriage with Joseph. However, this union, which seemed to be contracted with auspicious omens, turned out to be most miserable. For the spouses immediately began to engage in marital relations; but, as they themselves confessed, the husband, suffering from an impediment to coition, was in no way able to consummate the marriage. For this reason, Joseph consulted experts in the art of medicine, and subjected himself to many remedies; but, it seems, he was never able to achieve the consummation of the marriage. Hence, the woman, deploring this condition of life, and unable to have the man, whom they say, as a husband, after two years of mutual cohabitation, abandoned him, and would not return to him. In the meantime, the civil tribunal of Premisli intervened, from which, in the year 1895, she obtained a favorable judgment of nullity due to the husband's impotence; a judgment which was subsequently confirmed by the superior tribunal of Leopoli, and finally, on April 21 of the following year, was ratified by the supreme tribunal of Vienna. Then, the woman, desiring to enter into new marriages with another man, with whom she lived in concubinage, sent a suppliant petition to the ecclesiastical tribunal, requesting the nullity of her marriage due to the husband's impotence. The Archiepiscopal Curia of Premisli conducted the process, examined the spouses, as well as the witnesses of both parties, and subjected the man to a medical examination, who declared him to be completely impotent; but, although the judges were certain of Joseph's antecedent and perpetual impotence, nevertheless, because this was not discovered by the Queen.

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COMPENDIUM OF THE FACTS.

[*Latin ed. p. 197*]

PREMISES. 197 - Since a certain determination could not be made in every way, they rather decided to petition the Pontiff, so that He might deign to dissolve this marriage, which is valid but not consummated, by His authority.

SYNOPTIC DISCUSSION

VOTE OF THE CANONIST.

The Consultor said: "To you, Most Reverend Fathers, it belongs to judge whether there exists in Joseph an impotence of cohabitation, which is of such a nature as to render the marriage invalid, and if this is not certain, whether at least it is certain that the marriage has not been consummated, so that you may safely offer counsel to the Most Holy Lord, so that the bond of this marriage may be broken. Regarding the process, nothing has come to my attention that I should observe; for as far as I could ascertain from the records, it appears to be well prepared according to the norms of Canon Law. Therefore, it is necessary to proceed immediately to the merits of the case. But first, I wish to point out that there is one and the same question: whether this marriage is invalid due to a prior and perpetual impotence of the man, and whether it is certain that this marriage has not been consummated. For indeed, assuming that it is not sufficiently certain that there is an impotence in Joseph, how can it be certainly known in this case that the marriage has not been consummated? There would be no argument for this, except for the sworn testimony of the spouses. Furthermore, an oath constitutes indeed a semi-complete proof, but not one that is entirely certain and perfect. Hence, you yourselves, Most Reverend Fathers, in the Neapolitan case recently discussed by you on December 11th of the year 1897, did not consider it safe to proceed to a dispensation regarding a marriage that was valid but not consummated, although the spouses had sworn to the non-consummation of their marriage; but you responded: 'Let the proofs be extended and supplemented by examining seventh-hand witnesses on the part of the man, even regarding the restricted [aspects], and others, according to the instruction of the Defender of the Marriage, by office.' You considered, it seems, the oath of the spouses as a semi-complete proof, to which it is necessary to add..."

[*Latin ed. p. 198*]

198. Before granting a dispensation, another semi-probable proof must be presented, namely, moral certainty that the spouses have never been together alone; which was requested in Agrigento on August 11, 1894. Fur-

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thermore, in our case, no other semi-probable proof can be added to the spouses' testimony than a certain moral conviction regarding Joseph's true, antecedent, and perpetual impotence. Therefore, it seems to me that we must address either one or the other question, namely, to declare the nullity of this marriage under the head of the husband's impotence, and to offer counsel to the Most Holy Lord to proceed with granting a dispensation for this marriage; for you cannot safely come to this conclusion unless you are morally certain of Joseph's impotence. Therefore, the only question to be discussed is: whether there is moral certainty regarding Joseph's impotence in this case. And it seems to me that the answer to this question should be affirmative. For the fact that Joseph is now impotent is entirely without doubt. We have certain testimony from the depositions of three experts in the medical arts. Indeed, Doctor Lucian Litynski testified: "In the examination of Joseph in the civil court, I found his genitals to be abnormal, for both the hasta and the testicles, and the sac, were in a state of torpor, that is, insensitivity; for which reason, no stimulating irritation could produce an erection... I applied a stable electric fluid to excite the nerve connecting to the virile member, causing irritation of the spinal cord. This fluid is so powerful and certain that it can even excite and produce nerve distension a few hours after death. Unless, therefore, Joseph suffered from impotence, the application of this fluid should have provoked an erection of his virile member; but in his case, it produced no erection whatsoever." The same Doctor Michael Szyszkovski testified, asserting: "It is to me most certain that intercourse between Joseph and his wife, Regina, was impossible, and indeed, because of Joseph's perpetual impotence, and I am prepared to affirm this under oath. In this very cause, which was treated in the civil court, by the civil court, where I was called as a doctor, I applied an electric fluid to Joseph's spinal cord in the lumbar region and..."

[*Latin ed. p. 199*]

PREMISLIEN. "I have found no evidence of any erection of the penis, although, had there not been a glandular disease affecting the nervous system which excites erection, the erection of the penis would have been possible." This is what they testified in the report they submitted to the ecclesiastical tribunal after a careful examination of the body of Joseph, which was carried out on May 30, 1895, at the order of the same Tribunal, as can be seen from the records. Doctors Lucian Litynski and Keller, who, among other things, swore an oath and testified: "Under numbers 10 and 20, the changes observed in the penis and scrotum indicate irritation in the nerves, and that a disease has intervened which excites erection, and consequently, a complete lack of sensitivity in the penis, both to a strong electric current and to other external causes, and therefore, all psychological stimuli can equally fail to provoke and produce any sexual excitement." But from the records, it also appears to be morally certain that Joseph's

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impotence was incurable, and that it preceded his marriage to the Queen. For this, too, is expressly testified by the aforementioned medical doctors. Indeed, in the report mentioned above, made by Doctor Lucian Litynski and Doctor Keller, they state: "The causes which led to the complete impossibility of an erection are sufficiently explained by the species of paralysis mentioned above, which demonstrate that the examined individual suffers from a chronic disease of the nervous system, which has existed for many years, therefore, since before the year 1891. For a long series of years is required for the species of paralysis to develop to the degree observed in this case. In the examined individual, we have observed a dulling of the mind, which occurs in the early years of youth, and in this case, it accelerated the development of the nervous disease, which was caused by frequent and prolonged masturbation. Since frequent masturbation can already cause impotence, even if no traces of paralysis are observed; therefore, in this case, where the species of paralysis are already developed, we declare that this absolute impotence preceded the marriage."

[*Latin ed. p. 200*]

200. PREMISLIEN. It is affirmed that [Premslen] existed before the year 1891, and that, for the reasons stated above, it is incurable. After a diligent investigation, according to the principles of science, and based on a conscientious conviction, we declare under oath to this distinguished tribunal that this is the case. Another medical doctor, the Lord Szyzkovski, asserts the same, saying: "Adhering to the principle that onanism is the cause of impotence, I have been able, from the indications that appeared later, such as, for example, a lack of strength, and a clouding of the mind, to conclude that onanism existed before the marriage, and therefore that impotence has existed from an earlier time... In the case of Joseph, onanism reached such a degree that it even obscured his intellect; therefore, his impotence cannot be cured." Therefore, from the testimony and sworn assertion of medical experts, we have that Joseph's impotence is real, permanent, and precedes the marriage, that is, it possesses all the characteristics that are necessary and sufficient to constitute a cause for the impediment to marriage. Although these things do not entirely eliminate doubt and do not create an unavoidable certainty, since it is difficult to have certainty in the case of an impotence that is not complete at a given moment, but develops over time, whether it existed completely before the marriage was celebrated, nevertheless, they certainly constitute a semi-complete proof. This semi-complete proof has its confirmation from other sources. We have the testimony of Doctor Szyszkovski regarding the lack of consummation of Joseph's marriage with Regina after many months from the wedding. Indeed, while attending to Joseph, in order to restore him to marital ability, he was questioned by Regina after several months from the beginning of the marriage about what should be done to cure certain pains in her womb.

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For this reason, the doctor examined Regina, and found her still a virgin. "While attending to Joseph, I learned that his wife, Regina, was suffering from some pain in her womb. On this occasion, I examined her and found that she was still untouched by a man and still a virgin." Furthermore, Doctor Szyszkovski did not see Joseph until sixteen months after the marriage.

[*Latin ed. p. 201*]

PREMISLIEN. 201, as is testified in the Acts; therefore, at least after sixteen months of marriage, the marriage had not been consummated. Furthermore, it is difficult to suspect that it was consummated afterward, since Joseph, without a doubt, was suffering from absolute, incurable, and perpetual impotence, as Doctor Szyszkovski himself asserted in his deposition. And although all of this does not provide apodictic and juridical proof, it is certainly very strong evidence to induce highly probable conjectures of the lack of consummation due to the husband's impotence, conjectures which are greatly strengthened by the almost complete proof of the impotence, already sought from elsewhere. However, this almost complete proof is made perfect by the oath of the spouses regarding the lack of consummation. This oath is all the more to be valued, since all the witnesses of the seventh class say that these spouses are worthy of the highest trust. There is only one thing that causes me some difficulty regarding the trustworthiness of Joseph. For in his sworn deposition, he asserted that he had never had intercourse with women, and that he had never done so except with his wife. On the contrary, Albert Schreibes, under oath, testifies that he urged Joseph to try to have intercourse with a prostitute in order to test his abilities, and that Joseph attempted to do so, but unsuccessfully, as he himself and the prostitute stated. But perhaps a man who is almost feeble-minded, as Joseph appears to be, who bursts into laughter without any cause, and who is of a melancholic disposition, as some witnesses say, did not fully understand the judge's questioning, and thought that he was being asked whether he had ever had intercourse with women; furthermore, he is so forgetful that he might have hesitated in court as to whether his wife had lived with him for one or two years. Moreover, both spouses are said by all the witnesses to be pious, religious, and honest, and therefore deserve all trust. Furthermore, there is no other reason in this case to be considered why these spouses separated from each other. For Joseph loved his wife, and the wife did not abandon her husband, having been captivated by the love of another man (whom...

[*Latin ed. p. 202*]

The provided text does not contain any quotations from Jeremiah 49:25. Therefore, no changes are required.

202. PREMISLIEN. (for now she loves him, and she had intercourse with him, but she only learned of his impotence after the marriage was insti-

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tuted), but only for this reason, because she could not consummate the marriage with him. Therefore, this case seems to be applicable to the decision of Celestine III in chapter "Laudabilem" concerning the impotent and those with maladies: "But if both spouses declare that they have never known each other, and this is confirmed by the testimony of seven relatives or neighbors of good reputation, or, if relatives are lacking, by the testimony of seven neighbors, after having been presented with the sacred Gospels, and each swears that they have never been united in carnal copulation, then it seems that the woman is able to enter into a second marriage." Regarding this, Reiffenstuel rightly observes in IV Decr., title XV, n. 43: "When, through inspection or another proof, there are no certain and evident physical signs of impotence, but rather, there are probabilities and, as it were, morally certain indications, then the marriage can and should be annulled, without waiting for the three-year period of experience, if both spouses swear that they indeed attempted to have intercourse, but were never able to, and this affirmation is confirmed by the oath of seven relatives, who swear, under oath, that they believe the spouses have sworn truthfully. Sánchez, book 7, dispute 107, n. 4; Alexander de Nevo, in c. Laudabilem 5 h. t., n. 17, and there Butrius, n. 14; Engel, h. t., n. 7, argument c. Laudabilem 5 h. t., where the three-year period of proof is granted and prescribed only when the perpetual impotence cannot be proven otherwise; therefore, in the contrary sense, this three-year period does not apply if the impotence can be proven otherwise, as is the case in the sense of the conclusion, namely, where there is no certain physical proof, but at least a probable proof of said impotence, which proof, with the addition of the oaths of the spouses and relatives, will certainly be sufficient." Cosci also holds this opinion in his work on the separation of conjugal life, book 1, chapter 13, n. 26 seq., where he writes: "Either through inspection, or another proof, there are no certain and simply evident physical signs excluding the power, but rather, there are probabilities and, as it were, morally certain indications, and then, regularly, and unless the contrary appears to the judge..."

[*Latin ed. p. 203*]

PREMYSL. "In loco 205, omittitur [una clausula], et additur: 'Si, post experimentum triennale, et solum per iuramentum coniugum de defectu copulae perfectae, et per iuramentum septem Propinquorum seu Vicinorum de fide coniugum, declaratur nullitas matrimonii, sententia erit pronuncianda'." Quare, non possum quin mire, quomodo Tribunal matrimoniale de Premysl habuerit pro certo, "quod onania ab adolescentia perpetrata causa fuisse impotentiae virilis apud Iosephum, impotentiam hanc praecessisse matrimonium, et esse absolutam et insanabilem seu perpetuam," et tamen non dederit sententiam de nullitate matrimonii, quia Regina virginitatem suam probare non poterat; sed sententiam tulit de consulendo SSmum Pontificem pro dispensatione a matrimonio rato, quod quidem

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non erat sui iuris, quamvis extra iudicium et privatim partibus id consulere potuerit. Hinc, ex his usque nunc disputatis, ad quaestionem: "utrum constet de nullitate matrimonii in casu ex capite impotentiae viri," censeo respondendum affirmative; vel, si plus placet, responsione data ad primum: "providebitur in secundo"; ad alterum dubium: "utrum consulendus sit SSmus pro dispensatione a matrimonio rato et non consummato in casu," ad cautelam, respondendum mihi videtur affirmative.

ANIMADVERSIONES DEFENSORIS MATRIMONII EX OFFICIO. Anno 1891, die 26 Iulii, Regina, quatrilustris, et Ioseph, 27 aetatis annum agens, matrimoniale vinculum inter se contraxerunt. Per duos annos, coniuges habitationis et thalami communione usi sunt; sed, si eos audias, inertia virium viri impedimentum fuit quominus matrimonium consummaretur. Profecto, Regina iurat: "Maritus meus conabatur quam saepissime mecum matrimonium consummare; semper in bona fide me praestiti in omnibus positionibus, quas voluit maritus meus, ut posset consummare matrimonium, sed semper in vanum laboravit. Nunquam attendi erectionem hastae eius virilis." Ioseph pariter iuratus affirmat: "Uxor mea nunquam..."

[*Latin ed. p. 204*]

204. PREMISLIEN: "Ipse renovabat debitum coniugale; neque enim me vitabat, sed toto tempore cohabitationis mecum in eodem lecto dormiebat, et in hoc semper mihi obtemperabat." Et addit: "Certissime affirmo, me propter impotentiam virilem numquam potuisse cum uxore mea matrimonium consummare, et hoc iuramento firmare paratus sum." Eximius consultor certum habet viri impotentiam. Negotium tamen facessere videtur Anna, Iosephi mater, dum refert: "Filius meus Iosephus non laborabat aliquo morbo contagioso, aut inflammatione cerebelli, encephaliti aut notaeomyeliti. Secundo anno cohabitationis cum Regina - in quantum recordor - per levationem ponderum morbum sibi contraxit et aegrotabat per sex aut 7 dies. Tunc femina quaedam ungebat eum et dixit mihi, Iosephum, qua virum, esse validum. Filius meus non erat potationi deditus tam ante nuptias, quam post nuptias." Prosequitur Anna: "Utrum inter Iosephum et Reginam matrimonium consummatum fuit, an non, nescio. Femina, quae Iosephum aegrotantem ungebat, dixit mihi: Quid sibi Regina vult a Iosepho, cum ipse sit validus vir et ad matrimonium habilis? Inde ergo concludo, Reginam quaerimonias habuisse de non consummato matrimonio. Utrum aut reapse ita erat, non possum certo affirmare. Filius meus numquam mihi dixit, ipsum medicum consuluisse, ut cum uxore matrimonium consummare posset." Pariter Maria Skorka ait: "Audivi, Iosephum conatum fuisse matrimonium consummare cum uxore sua Regina, illa tamen renuebat, ita ut semel indumenta Reginae discinderet et ipse corrumperetur. Quando solemnitatibus nuptialibus aderam, nec ipsa admittebam, nec aliquis praesentium, coniuges hos secum non convicturos

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et se separaturos esse." Praemissa in dubium adducunt assertam Iosephi impotentiam et proin ipsam nullitatem matrimonii; de dispensatione vero agere piaculum est, quia matrimonii inconsummatio certior esse nequit impotentia viri, et incivile est.

[*Latin ed. p. 205*]

20. PRELIMINARY. Having recourse to extraordinary measures, setting aside ordinary legal remedies. Question I. Whether nullity of marriage can be established in this case. And, if so, to what extent. II. Whether consultation with the Most Holy Fathers is required regarding a dispensation from a valid but unconsummated marriage in this case. RESOLUTION. After deliberation, the Sacred Congregation, on May 14, 1898, decided to respond: To the first question, affirmatively; to the second, with the proviso stated in the first.

28. FROM PARIS. NULLITY OF MARRIAGE. On February 20, December 11, 1897, and June 18, 1898. Session 24, Chapter 1, concerning marriage annulments. Ferdinanda Maria, aged 17 years, was joined in marriage on May 10, 1890, in the chapel of the Apostolic Nunciature in Paris, to Cornitis Philippo. However, this marriage proved unhappy, since in July 1894, Ferdinanda departed from her husband, simultaneously requesting a divorce from the civil court, which was granted in favor of both spouses. Furthermore, in November 1894, she appealed to the Most Reverend Archbishop of Paris, informing him that she had only, after two years of resistance, been compelled by her mother, under grave threat, to consent to the marriage. Therefore, she earnestly implored that her marriage be declared null and void, according to the chapter concerning coercion and fear. The Most Reverend Archbishop referred the investigation of the case to the delegated judge, who, after establishing the tribunal, took sworn testimonies from the plaintiff, her husband, and several witnesses; and, after considering all matters, on the 23rd... (The text is incomplete).

[*Latin ed. p. 206*]

PARIS. July 1896, the following judgment was delivered: "We declare, pronounce, and hold that the marriage between Philip, Count, and Ferdinand Mary is null." The defender of the marriage appealed this judgment to the Sacred Congregation. The synodal advocate for the actress recalled that, according to the law, for a marriage to be valid, the free and voluntary consent of both parties is required; indeed, in no other contract is such freedom required as is necessary in contracting marriage. The witness, St. Cyprian, speaks of the disposition of a man, and Gonzalez, in book 4 of the Decretals, title 1, chapter 15, § 5, states: "Since marriage requires a completely voluntary will, nowhere is freedom so necessary as in marriage." These are in agreement with St. Thomas, supplement, question 47, article 3; Portius, on impediments to marriage, cause 31, question 3, § 13;

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Cardinal Cossi, on the separation of spouses, book 1, chapter 8, number 3; and also more recent authors, such as Gasparri, in his treatise on marriage, numbers 805 and following. Furthermore, in this case, it is established that Ferdinand Mary's freedom was violated, and that she was compelled into the marriage not by her own free will, but by force and fear from her mother. To prove this, in addition to the facts presented by the advocate in this specific case, it is noted that when Ferdinand Mary was first informed of the intention to contract this marriage, she threw her own portrait (photograph) into the flames, which her mother had intended to send to Philip; and that after she learned that Philip had attempted suicide in a disgraceful manner, she was initially pleased, hoping that such an act would deter her mother from proceeding with the marriage; but then, when this hope was frustrated, she said, "Elle regrettait qu'il n'eût pas réussi dans cette tentative" (She regretted that he had not succeeded in this attempt); and finally, after a long series of afflictions and threats, the marriage was completed. The advocate also points out that not only did judicial witnesses testify to this, but that it is also well known in Rome, namely, that at the time the marriage began, due to the infamous Panama affair, the DEFENSE OF THE WOMAN.

[*Latin ed. p. 207*]

PARIS. Two hundred and seven thousand prayers were offered, as many as the most important cases. Furthermore, the lady's mother, her father being already advanced in years and barely able to support himself, had a large family and was burdened, for the most part, with daughters. "My mother," said the lady, "had eleven children, and at the time this marriage was being arranged, my family was in difficulties." On the other hand, Philip possessed great nobility and wealth, so that the lady's mother hoped that this marriage would bring a great benefit to her and her household. "The young man," said the mother, "had fortune, a name, and I hoped through this to be useful to my other children... I was convinced that my daughter could not make a better marriage." Moreover, it is worth noting the character of the lady's mother. Indeed, Charles, a blood relative and brother of the lady, aged 54, testified to the judge: "I believe that my mother-in-law sought to direct her children according to her own will. Her character is very authoritarian. She is inclined to take over any initiative of her children, even in the smallest details." Also, Laurentia Fetridge said, "I am connected with her, and she is very good, but I do not know a woman more authoritarian. I do not know if there is a mother who has more authority over her children than she does; she does not reason, she acts." Maximus Brénier de Montmorand said, "She has an excellent heart, but she is very violent; she has the qualities and defects of a Creole; she is very authoritarian. Her attitude towards her children reflects her violent and authoritarian character. She wants to be obeyed at all costs." To these, among others,

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Philip added, "She has a very fanciful character, very severe at times, and in other respects very lenient. She is a very authoritarian nature; one cannot make her yield. I believe that I am the only one who has made her yield." It should also be noted that the lady always treated her mother more harshly than she did her other children. "My mother," said the lady, "was difficult with my older brother and me." This, indeed, was clarified by the Count de Casague de Beaufort de Mi-.

[*Latin ed. p. 208*]

208. PARISIEN, RAMÓN: "My lady was very harsh with some of her children, and especially with Miss Ferdinande. She was always finding fault with her. Miss Ferdinande lived in constant fear of her mother; she was almost always blamed, even for the faults of her brothers and sisters. Miss Ferdinande, one might say, was the scapegoat of her mother."

What a woman, thus constituted, might dare to do in the circumstances described, in order to achieve her purpose, the advocate perhaps can conceive better than describe. It should be noted that in this case, all those things are present which the Most Holy Congregation of the Holy Roman and Universal Church, in the Instruction given on the 4th of June, 1883, has taught are essential in such cases. "It must be considered whether those who are accused of having used violence and threats held parental authority and power, or whether those who have suffered violence and threats were in no way subject to them; what reason could there be for inferring violence, what character, what condition, what manners, how accustomed were they to governing the family: were they inclined to anger and violence... and were they so hard and obstinate in spirit that they would not tolerate anyone contradicting them or presenting obstacles?"

Therefore, it is most important to consider the principle of law handed down by the Most Holy Rota before Louis, decision 336, § 3: "Much weight is given to the argument drawn from probabilities in proving fear." Furthermore, the advocate adds, what the plaintiff, who is the mother herself, confessed, and what the witnesses testified, are certainly very serious. In response to various questions from the judge, the plaintiff stated: "At every moment, there were scenes between my mother and me; she told me that I was a disobedient daughter, a bad girl, etc. Once, my mother slapped me because I refused to consent to a marriage. My mother began with me by reasoning, then she resorted to entreaties, and finally to threats, telling me that she would send me to the Convent of the Sacred Heart. I had always been raised in my family, and that Convent..."

[*Latin ed. p. 209*]

PARISIAN. Number 209 filled me with dread. I believe that my mother would have carried out her threat. Seeing that I continued to resist, in a moment of anger, my mother slapped me, as I have mentioned above. She

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told me that I would either yield or break. I refused this marriage, saying that I did not want Mr., that he displeased me, and that I would not be forced to marry him. I added that if I were forced to marry him against my will, I would not become his wife. My mother then told me that I must yield, and that in any case, she would send me to the convent until I was twenty-one years old, even twenty-five years. My resistance lasted for two years. In April of 1890, I remained in my room for three days, not wanting to see anyone, as I have already said, following the incident of the slap. As the very painful scenes multiplied incessantly, I yielded to the pressure, and as Mr. presented himself at that moment, my mother hastened the marriage." These words, she continues, not only confirmed what had been said, but also revealed that the matters were more serious than they appeared at first glance. Thus, she herself testified: "My daughter vehemently rejected this proposal of marriage. Then I wanted to make her yield; I even slapped her and threatened to send her to the convent. In 1889, I had even sent my governess to the Sacred Heart to inquire whether they could provide her with a room? My daughter refused this marriage for the following main reasons: 1st, a very strong aversion to Mr.; 2nd, an affection for a friend of her brothers... I exerted a violent pressure on my daughter to induce her to enter into this marriage. I terrorized my daughter in order to persuade her to marry Mr. I also entrusted several people with the task of putting pressure on my daughter to persuade her, and they did so... I also told her that it was a project decided upon by me, and that she was much too young to give her opinion... My efforts with her to persuade her to consent to this marriage were incessant. As she is very timid and very nervous, she was tired of my insistence, and she wanted to remain silent for certain days." *Acta, Tom. XXXI. fase. CCCLXIV. 14*

[*Latin ed. p. 210*]

210. PARISIEN. She states: "Yes, I struck my daughter twice, and I locked her in her room several times, forbidding her to communicate with her brothers and sisters. I became all the more exasperated with her because, until then, she had been very obedient." In March of 1890, there was a violent scene between her and me. Throughout the day, I harassed and pressured her, and she resisted me. In the evening, as I was returning to my room, I entered hers. I found her unconscious. I was frightened by this. Despite this, I deluded myself. What caused my daughter to cease resisting was immense weariness; she could no longer endure my obsessions. Her health was impaired; she had lost a great deal of weight, and she had, so to speak, no physical strength left." The advocate then pointed out that the mother's testimony must be given the greatest weight. For she testifies of her own experience, and indeed, of a fact that certainly does not diminish her honor. Therefore, according to the advocate, this testimony can be considered as a confession of the facts, which is called the "queen of evidence"

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in law. Furthermore, the Sacred Roman Rota has taught that the testimony of those who have instilled fear should be given more weight than that of others, as stated in decision 732, § 6, before Emeriz: "Parents who have instilled fear are admitted... to testify, and when they testify about their own actions, their testimony is more important to them than to others." Moreover, he adds, "all that the speaker's mother swore is not only entirely credible, based on the aforementioned facts concerning her strong and obstinate character, but also the circumstances surrounding her family at that time, but also is abundantly confirmed by other witnesses. From the things that the mother was accustomed to do in front of others, 'before the world,' it is easily understood what she did against her daughter in secret. Certainly, relatives and household members, under oath, affirmed that they had often heard cries of violence coming from the room where the mother and daughter were, and they had often seen signs of violence on the daughter's face."

[*Latin ed. p. 211*]

PARISIAN. 211 The speaker declared that these testimonies are of considerable importance, and he recalled the cases examined by the Sacred Roman Rota in decisions 590 before Merlin, and especially in the aforementioned decision 326 before Ludovisi, where the following was written: "For the resolution to be reached, it was considered that the proof was difficult... when the pressure is exerted secretly and discreetly, especially when it is exerted by the father upon a daughter living with him: and therefore, in such cases, lighter proofs are sufficient, and domestic witnesses are admitted, who otherwise would not be." Therefore, the advocate concluded, that against the woman, his client's mother had used not only persistent, but continuous and daily importunities, persuasions, reproaches, frequent intrusions into her room, and other afflictions, as well as threats of sending her to a monastery, and of abandoning her completely "so that she would never again be concerned with her." Therefore, he stated that he could refrain from recounting many things that the sacramental witnesses testified to, namely that the woman was of a very mild and timid disposition, that indeed she was: "impressionable, nervous, and so timid that at the time of her marriage she was barely a personality," but moreover, that she had followed her mother with ardent filial love, to whom she therefore feared to displease: "She adored her mother, while greatly fearing her," and finally, that Mr. Count Brénier testified about her: "Miss was 17 years old, but she gave the impression of being ten." Indeed, he said, up to this point, sufficient and more than sufficient evidence has been presented to instill a grave fear, not only in a timid and sensitive girl, but in any daughter. Furthermore, according to canonical jurisprudence, when dealing with a person who is subject to a reverential fear, persistent importunities alone, even without threats or blows, are sufficient to invalidate a marriage. The

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witness, S. R. Rota, in decision 491 before Royas, number 8: "To this effect, persuasions and persistent importunities, combined with reverential fear, originating from someone whom we revere, are sufficient, as Sánchez, Barbosa, etc., have demonstrated." With the aforementioned.

[*Latin ed. p. 212*]

212 PARISIEN. "Where there is agreement, threats are not needed." And before Louis, December 326, no. 13. The same is stated by Piringh, book 4, title 1, section 4, no. 119; Schmalzgrueber, volume 4, page 1, title 1, § 313; Carafa, *Cosci de separati*, book 3, chapter, no. 88; D'Annibale, *Summa Theologiae Moralis*, page 111, § 315, and preface, §§ 138, 14, etc. Furthermore, the advocate argues that the effects suffered by the mother were certainly lamentable, resulting from the distress of the petitioner. Indeed, she not only changed her cheerful countenance to sorrow, but often shed tears, and suffered harm to her health, to the point that in her mind, there seemed to be no middle ground between the forced marriage and death; nay, she often declared that she would prefer death, and did not hesitate to seek it. This was testified to by her sister, Eugenia, and other witnesses. However, the advocate addresses the difficulty that might arise from the fact that the petitioner's father was still alive at that time, and therefore, someone might perhaps judge that the girl unjustly feared, when the father himself offered a way out. First of all, it is said by M. Tullius: "Each one ought to judge according to his own opinion" (*orat. pro domo sua*, chapter 4), meaning that in this matter, only the opinion of the petitioner should be considered, as was also established by Roman law, according to Haimberger, *Diritto romano privato*, book 1, chapter 4, § 89. But it is false that the petitioner was offered a way out to her father. For, not only morally, but also physically, she was prevented from receiving help from her father in this matter. Morally, because, besides the fact that the bridegroom was accepted because "he was her godfather," the same reasons that urged the mother to insist also moved him to desire the marriage, or at least to restrain her from preventing it. Physically, because the father himself, who died shortly afterward, was already weakened by old age and troubles, and perhaps was scarcely able to take care of himself, nor had any further say in family matters. In order to better show what the petitioner could hope for from her father against the mother's command, the advocate briefly recounts the following.

[*Latin ed. p. 213*]

PARISIAN. 215. By artifice and force, the mother repelled the efforts made by various friends and relatives to intervene in the matter. Moreover, according to the plaintiff, the repeated appeals of the plaintiff to the father were not only fruitless, but also harmful to her. For, the mother not only forbade the daughter from speaking about this matter "to anyone," but

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she also isolated her so completely that all possibility of seeking help was physically taken away from her, as the mother herself admits. And this was not enough, but the plaintiff states that she was suddenly subjected to a forced marriage, against her will. Indeed, the plaintiff's own mother confessed: "Furthermore, she was surprised; the young man arrived much sooner than had been agreed. The marriage had initially been planned for the end of the year 1890... it was celebrated on May 10, 1890. We were afraid that my daughter would change her mind... The marriage was hastened by the mother and the young man, because, despite a seemingly good appearance of health, Mr. was afflicted with a shameful disease, and he had suffered from this disease since the age of fourteen." Therefore, the young woman, driven to desperation, protested to her mother that she was being forced to undergo the marriage as a sacrifice, and she begged God not to prolong her miserable life for too long. Immediately before the marriage, she informed the young man, whom she had long loved, in a letter containing similar words: "My life is broken, it is finished; I hope that the good God will not make me suffer for too long; I no longer live except for my little father." Although, the plaintiff noted, the original copy of this letter was destroyed shortly after the marriage, nevertheless, three witnesses, all of greater standing, attest to its existence, and the plaintiff solemnly swore to its truth. Having thus presented the circumstances preceding the marriage, the plaintiff's advocate proceeds to explain the consequences. He affirms that, supported by the testimony of many, these events occurred in such a way that the plaintiff did not proceed to the wedding as a joyful bride, but...

[*Latin ed. p. 214*]

214. PARISIEN. He appeared, almost like a victim being dragged to the scaffold with sorrow and tears. Here, the advocate describes what sort of man he was with whom Ferdinanda contracted marriage. And he refers to the matter with the words of the Very Reverend Monsieur Brenier, who, being questioned in his official capacity, responded: "Monsieur is a man who appears to me to be devoid of moral sense; a sort of madman, an unbalanced person. Mademoiselle F. knew at the time of her marriage that Monsieur had shot himself for a woman, and I am not surprised that, independently of any affection she might have had otherwise, she felt for this Monsieur a repulsion that absolutely kept her away from marriage." He adds that all of this, and even worse things, clearly emerge from the entire series of proceedings. Furthermore, he observes that the man, although he knew of the advocate's reluctance, as he himself sufficiently indicated under oath: "I asked Mademoiselle Ferdinanda if she consented to give me her hand. She answered me with a rather doubtful and very hesitant 'yes'," nevertheless, he did not want to appear repulsed in any way, but fiercely insisted on achieving the marriage: "The young man knew very well," tes-

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tified Ferdinanda's mother, "that my daughter could not feel anything for him, and he persisted all the more in bringing about the marriage." With these things as a foundation, the advocate proceeds to explain the events that followed the marriage, also noting that the advocate, who was only seventeen years old at the time, and who was pursuing a vehement antipathy towards the man, had not yet properly understood the nature of conjugal duties. "I did not know exactly," the advocate herself testified, "to what I was committing myself, and my intention was to live with my husband only as if I had been his sister... I did not freely consent to my duties as a wife. On the first night, my husband subjected me to a real violence. During our honeymoon, my husband, seeing my resistance, had other relations; he even contracted a disease." All of these things, she wishes to be confirmed, not only by other witnesses, but especially by Ferdinanda's mother and sister, and by the Very Reverend Monsieur.

[*Latin ed. p. 215*]

PARIS. 215. Mite Brenier, but also from documents previously presented to the civil court. However, the advocate declares that, for the sake of brevity, he will refrain from recounting everything that followed. Whatever may have happened subsequently, he says, could not in any way have contributed to the validity of the marriage, due to the decree of the Holy Council of Trent, which states that a marriage entered into under duress, as is argued in this case, cannot be validated unless it is contracted again, observing the same form of the aforementioned Council. Thus, the Holy Congregation declared in the case of Panormitano, concerning the nullity of a marriage, on September 30, 1719. This is consistent with the decision of the Sacred Roman Rota in decree 90 before Séraphin, as well as Barbosa, opinions, decision, book 5, opinion 17, number 178, Schmalzgrueber, volume 4, page § 40, etc. Furthermore, he confidently asserts that it is not to be imagined that such a marriage was ever contemplated in this case. Finally, having presented all these matters as if on a single tablet, the advocate points out that this conclusion was reached not only from the judicial examination of the advocate and his client, but also from the confession of the mother herself, and from the oaths of fifteen other witnesses, whom he mentions and praises, as being outstanding in terms of age, condition, and religion. Moreover, he argues that it should not be considered that all these individuals have sullied themselves with the crime of perjury in such a serious and sacred matter. For, 1. according to the most accepted principle of law, "delicts and collusions are not presumed," or "no one is presumed guilty," and much less so in a case where someone has turned to the authority of the Church for the sake of conscience. 2. In these aforementioned witnesses, besides the intrinsic qualities mentioned above, all the external signs of sincerity are clearly evident, as anyone who carefully reads their complete testimonies will

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easily see. For example, he adds, they testify only about what they certainly knew, diligently citing the cause of their knowledge, and frankly admitting that they do not know if anything less known to them, although useful to the advocate, were to be asked by the Judge. Some of them, he adds, did not even know the reason why they were summoned to the Tribunal, as Anna Wilson explicitly testified under oath.

[*Latin ed. p. 216*]

216 PARIS. 3. Cardinal Cossi, in his work *De separatoribus*, book 3, chapter 2, after demonstrating the many evils that arise from affected incredulity, added: "We have no infallible proofs in the natural order, not even public documents, since these can be false, and are sometimes proven to be so. But those proofs which are admitted as legitimate in law should be considered as true in a trial." 4. Furthermore, he notes that the Archdiocesan Court of Paris, to which all the persons and circumstances of the case were well known, solemnly declared, in its judgment, that full credence should be given to them.

OBSERVATIONS OF THE DEFENDER OF THE HOLY BOND. The defender of the holy bond, on the contrary, notes that the protagonist of the present controversy follows the footsteps of the Countess of Constance de Montmort, whose case was examined by the Holy See in the last general councils. Just as Constance swore that she had been forced by her mother to enter into marriage, so too does Ferdinanda assert the same. And just as a large number of prominent witnesses testified that Constance was endowed with great gentleness, and that there was nothing harsher than Constance's mother, so in the present case, witnesses proclaim Ferdinanda to be "very gentle, good," while her mother is "very authoritarian, she does not tolerate resistance." Moreover, all the witnesses, in recounting the details concerning the alleged coercion, show a marvelous agreement in both cases. This marvelous agreement between Ferdinanda and Constance, and their mothers, which, not only from the aforementioned, but also from the entire series of both proceedings, emerges, can certainly, according to the speaker, exist in reality, but it can also be largely the product of a fervent imagination. For nothing prevents a lawyer, knowing that Constance had successfully opposed marriage in Paris, and noting that Ferdinanda's situation is similar to Constance's in some respects, from adapting the present case in the same way, expecting the same favorable outcome. This is a very serious...

[*Latin ed. p. 217*]

PARISIAN. 217 "It can cease, he says, only to that extent, when, besides witnesses brought forward on one side, witnesses on the other side are also shaken, or at least, by duty." But the defendant in the present case does not present witnesses, since he declares that he does not wish to op-

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pose the judicial action of his wife. To the tutor, it appears that the reason for the actions of the Comtesse Marie, mother of Ferdinande, is exceedingly clear, since she describes in such minute and atrocious detail the injuries which she claims her daughter has inflicted upon her, that one would believe that she consigned those injuries to her womb at the very moment she committed them, and subsequently recalled them daily, as if nothing could be more delightful in her life than to contemplate the unhappiness she has brought upon her daughter. And here, she recounts a lengthy narrative of the circumstances preceding the marriage, from which she infers that, if all those circumstances were not contrary to truth, she would not believe that Marie was the mother of Ferdinande, but rather a stepmother; indeed, she would not believe her to be a woman, but rather that she would love her among the tigers of Hyrcania. But the Comtesse does not find a defect in the love for her daughter, but rather believes that she is rather led astray from the truth by an excessive love for her daughter. She insists on rescuing her daughter from misfortune through narratives that are contrary to the truth. Rather, credence should be given to Carola Allard, a witness who is by no means suspect, because Carola is a familiar and intimate friend of Marie, and the principal witness for Ferdinande, besides her mother. Indeed, Carola, as far as she is able, strives to support Ferdinande and her mother; nevertheless, she affirms under oath: "I have seen some letters from Madame (Ferdinande) during the first weeks of the marriage, in which she wrote to her parents that her husband was very kind to her, and that she seemed very happy. Later, after a few months, I learned that Monsieur left much to be desired, and that the marriage was not happy." Carola proceeds further and affirms: "I consider Madame to be an admirable mother; she is a superior woman, and she is incapable of a bad action. She would never sacrifice her child, neither for a name nor for a fortune."

[*Latin ed. p. 218*]

218 PARISIEN. Then, questioned by the Judge: "When and how did you have the thought, or did you learn, that the marriage of Madame might not have been valid due to coercion? And what is your opinion regarding the degree of this coercion?" Carola replied: "No, I never had the thought that the marriage of Mademoiselle might not be valid due to coercion. Yes, I believe that Mademoiselle had sufficient freedom to give her consent to the marriage. She was very young, and she obeyed her mother with great reluctance. She was an intelligent person, with an open mind on many things, and if she had been more resistant, the marriage would not have taken place." Carola Allard confessed: "I do not believe that Madame Ferdinande expressed to Monsieur, her husband, or to the family of the latter, the aversion she had for this marriage, nor did she make any declarations stating that she was not free to enter into this marriage," and, when urged by the

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Judge: "When did Madame (Ferdinanda) complain, and to whom, about not having married freely, but being forced?" The witness replied: "I do not know when or to whom Madame Ferdinande might have complained about not having married freely and being forced." Nor did she speak in any other way, according to the defender, Madame Pineto. Subsequently, the advocate for the validity of the sacrament proceeds to examine the deposition concerning the matter, who, although desiring the nullity of the marriage with all his heart, nevertheless confesses to the Judge that, before the marriage, he had not even dreamed of any coercion exerted by the mother upon Ferdinanda; and to the question: "Did she manifest to you, before the marriage, any coldness, antipathy, or even a determined refusal to marry you? Did she say so, to your knowledge, to other people, and which ones?" Candide replied, Philip: "No, Mademoiselle Ferdinande did not show me that she did not want to marry me. She showed neither enthusiasm nor eagerness for this marriage; she let things proceed." Regarding the deposition of the plaintiff, who, just as the mother, fabricates many empty and false things, it is noted how she swore: "From 1888...

[*Latin ed. p. 219*]

PARISIAN. "My mother spoke to me about this project (of marriage), and for two years she put pressure on me; at every moment, there were arguments between my mother and me; she told me that I was a daughter who lacked discipline, a troublesome person, etc. Once, my mother slapped me because I refused to give my consent to the marriage she proposed."

The defender then exclaimed, addressing the question: "What did this pressure consist of? And for how long did it last? Were there urgent demands, harsh words, threats, and which ones? Were there instances of mistreatment, and which ones?" As has already been stated, Carola Allard answered. Eugenia, however, Ferdinand's sister, confesses: "I did not witness any scenes between my mother and my sister." Charles, the brother, said: "I was not a witness to them." Bertrand, another brother, said: "I did not witness any scenes of violence... I was not a witness to the conversations that took place between my sister and my mother."

It is, however, entirely incomprehensible what those sisters are, of whom she said: "My sisters were aware of the scenes that took place between my mother and me." For among the witnesses presented, no other sisters were found besides Eugenia.

Next, "the servants" are mentioned, and the first one to appear is Maria Price, "a former governess of Miss Ferdinand, a Protestant"; who, after taking an oath, affirms: "No, I did not witness the conversations between the mother and the daughter"; Joanna Barney, "a former nurse for the children of Mrs."; she firmly swears: "I never witnessed any scenes"; Mathilde Sölkmann, "a tutor in the household of Mrs. the Countess, a Protestant," said: "I can only answer this question in this way: I was in my study, I

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did not see any scenes between Mrs. and her daughter"; Maria Bijeard, "a seamstress in the service of Mrs. the mother," testified: "I was not a direct witness to the scenes between the mother and the daughter."

Therefore, the orator cannot believe Ferdinand, when she says: "The servants were witnesses to all the scenes..."

[*Latin ed. p. 220*]

220 PARISIEN. "My sisters were aware of the scenes that took place between my mother and me." This, according to his own account, demonstrates not only how little love the actress has for truth, but furthermore, it necessarily dispels any shadow of fear, whether ordinary or reverential. For it is not credible that none of the household staff, brothers, and sisters, saw the acts of cruelty, the threats, the pleas, or the arguments, which lasted for two years. Nor does Anna Wilson, "housemaid of Mrs. [surname], a Protestant," offer any corroboration when she tersely states: "Often she [the mother] made scenes with her [Ferdinanda]." If this heretical servant knew that all the other household members, brothers, and sisters were ignorant, she certainly would have given a more certain account of her testimony, or offered a reason for her knowledge; especially because, the Judge wisely inquired: "Of what have you yourself been a witness, and how did you learn what you know otherwise?" Therefore, in this case, what Leuren states in *For. eccles., lib. 2, q. 640, n. 1* is applicable: "A witness, when positively questioned by the opposing party about the basis of his statement or testimony, must answer by assigning the cause of that knowledge, so that, if he refuses to answer, or is unable to, much more if he denies or alleges a false or irrelevant reason, his credibility is completely removed, and he provides no proof whatsoever." Anna Wilson, the tutor states, is not very different from the "orthodox" Lady Pineto, who also would be willing to testify for Ferdinanda, but neither of them wishes to answer about the basis of their statements, nor do they assign a reason for their knowledge. Furthermore, the testimony of both Lady Pineto and Anna Wilson is undermined by the fact that neither recounts specific events with details and circumstances, including the time and place. "Please," the tutor urges, "Wilson and Pineto, tell us when, how often, why, where, in front of whom, what was done to the daughter, and what was given by the mother, when she: 'was too harsh, scolded her, and made scenes.'" It is not the task of witnesses to estimate the actions and their legal value, e.g., whether they constitute a just cause for fear, but rather of the Judge; who...

[*Latin ed. p. 221*]

PARISIAN. 221. They certainly cannot render such a judgment if they do not have before their eyes the specific facts and all the circumstances. For this reason, he continues, nothing is more established in law than that fear must be proven by facts. In the summary of the decision 920, paragraphs

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16, 17, and 18, read before Molines, it is written: "The allegation of fear to invalidate an act must be conclusively proven by what has been done. Indeed, with the circumstance that the fear was such as to fall upon a steadfast man. And if the act was demanded with some urgency, it does not result in proof of violence and fear, which a steadfast man could not have avoided." Furthermore, the same Rota, in decision 301, paragraph 17, part 21, states. Then, with a smile, Bertrand de Lesseps says: "Once, my sister, upon leaving my mother's house, had red eyes"; Mariae Price: "I have often seen Mademoiselle Ferdinande leaving her mother's house in tears"; Ioannae Darvrey: "I have often seen Mademoiselle Ferdinande leaving her mother's house in tears"; Eugeniae: "I have often seen my sister crying upon returning from our mother's house"; Mathildis Söhlmann and Mariae Bijeard. The defender does not conceal the "blows" frequently mentioned by the witnesses, and with certain circumstances, recounted by Ferdinanda and by Carola Allard. But he primarily asks whether the mother gave the daughter only one blow, or several. For indeed, one blow, especially if it is not severe, does not constitute fear that would fall upon a steadfast man. However, no witness, even if all are entirely in agreement to support the plaintiff, says that the blow was severe. Regarding the number of blows, Maria Bijeard says: "I have heard of one, and even of several blows given by the mother to the daughter, but I have not seen it myself"; and the heretical servant, Maria Anna Wilson, boldly asserts: "I have seen her give blows to her daughter more than once." Generally, the witnesses speak of only one blow, as does the plaintiff herself. Finally, the advocate is not moved by the fact that...

[*Latin ed. p. 222*]

222 PARIS. It is alleged that Ferdinanda openly demonstrated, during the celebration of the marriage, that she did not wish to marry Philip. These are merely words, it is said. On May 8, 1890, Ferdinanda splendidly and magnificently adorned herself, and proceeded to the president of the VIII region of Paris, and in the presence of witnesses, clearly declared that she wished to join Philip in marriage; and two days later, the same Ferdinanda, with an even more splendid display, went to the house of the Apostolic Nuncio of Paris, and, having observed all that is prescribed by law for the valid and licit celebration of marriage, before the Apostolic Nuncio and witnesses, she entered into marriage with Philip. Given these circumstances, the defender cites the well-known words of the Sacred Roman Rota, decision 149, § 1, before Ratto: "When a marriage is contracted before a priest and two witnesses, according to the form prescribed by the Sacred Council of Trent in session 24, chapter 1, concerning reforms in marriage, and in the very act of celebration, there intervenes the free consent of both parties, all presumption must be given for the validity of that marriage, and no consideration must be given to opposing exceptions, unless those

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exceptions are so compelling and effective that, in a clear and conclusive manner, they demonstrate a pretense of nullity, whether arising from a lack of free consent, or from another invalidating cause." Furthermore, the teaching of the Rota is apodictically confirmed by the Instruction of the Sacred Congregation of the Holy Roman and Universal Inquisition, issued on June 20, 1883: "In this matter, the judge must know that marriage is, by its very nature, a certain solemn and public act, which must always be considered valid, unless evident reasons demonstrate its nullity." Moreover, the arguments presented by the speaker in this case, or those who would assert them, cannot, in any way, exclude all prudent doubt regarding the existence of fear. Furthermore, it is necessary that the witnesses presented by the plaintiff be countered by witnesses presented by the defendant, or by witnesses produced ex officio; but the alleged defect in consent is so described by the witnesses that each witness discredits himself. If, the advocate insists, Ferdinanda truly felt fear...

[*Latin ed. p. 223*]

PARIS. With signs of sorrow and distress, the nuptial altar was approached, from which the bridegroom, already near death, was being led to the scaffold; and throughout the entire, not brief, ceremony of the wedding, a great outpouring of tears was evident, so that the Apostolic Nuncio and the witnesses present easily perceived that the marriage was being forced, while, on the contrary, they had not even suspected such a thing. Indeed, even those witnesses who now recount these things could not have allowed such a union to take place, and would have rescued the unfortunate and beloved girl from so great a misfortune. But if Ferdinanda shed tears, it was not because of the forced marriage, but because of the intense love she had always felt for her father. With these observations in mind, the doubt was to be clarified. Whether the judgment of the Archdiocesan Court of Paris should be confirmed or overturned in this case. To this doubt, a response was given on February 20, 1897: "Let the witnesses be heard officially, according to the instructions to be given by the Defender of the Marriage Office." This instruction, written by the Defender of the Marriage Office, was as follows: "Most esteemed sir, who, with diligence and skill, protects the rights of marriage in the Archdiocesan Court of Paris, diligently inquire of the witnesses about the events preceding the celebration of the marriage, as well as the circumstances accompanying and following it, and with all diligence, ensure that they are brought to examination. He should conduct himself in such a way that the witnesses approach the examination without knowledge. In particular, he should question the parish priest Sabatier, who officiated at the marriage, and, as the vicomte Brenier de Montmorand states: 'Immediately after the marriage, discord manifested itself between the spouses. Madame Ferdinande wrote to my wife letters full of discouragement and tears. I can

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submit several of these letters to the record.' It may perhaps be useful to insert these aforementioned letters into the proceedings. Following these instructions, the Ordinary of Paris was informed that he should conduct the supplementary proceedings in accordance with this instruction.

[*Latin ed. p. 224*]

224. PARISIEN. The advocate, having related the principal facts, which, according to her, are clearly deduced from the nature of the case, and which she believes have been demonstrated by the judicial examination of the advocate herself and her husband, as well as by the confession and oath of the mother and many witnesses, maintains that the new witnesses, now summoned by order of the court, have not only failed to present any evidence contrary to the alleged nullity, but have, on the contrary, strongly confirmed it. Among other things, the advocate's brother testified as follows: "My sister has always resisted... She not only offered passive resistance, but often active resistance in scenes of which I was a witness on several occasions... One day she came to me, unable to bear it any longer, and asked me to write to my friend, the Count de Miramon... for whom she had very deep feelings, and to ask him to come to her aid... She begged me to tell this young man that if he were to ask for her hand immediately, as she knew he intended to do later, it would create a diversion that would allow for a rescue. I wrote, but the reply from Miramon was: that he himself felt such fear of my mother, whom he had regularly hosted for more than two years, that he dared not, out of delicacy, make a move that he knew would be poorly received. Seeing this, my sister judged the situation to be hopeless and allowed herself to be treated like a victim." The Count de Miramon, questioned by the judge as to whether he remembered the aforementioned letter, after taking a prior oath, answered in the affirmative. Furthermore, the same Count de Miramon added that, shortly before the marriage, while he was staying at the military station in the place commonly called Vesoul, he had received numerous letters and various depictions from the advocate, in which her vehement love for him was expressed both through graphic signs and through words.

PROCEEDING OF THE CASE.

[*Latin ed. p. 225*]

PARISIAN. 225 The advocate, however, does not fear the testimony of Joseph Sdbatier, who served as a vice-parish priest at the celebration of the marriage, and who stated: "I saw Mademoiselle Ferdinande arrive in the arms of her father. I noticed no disturbance in this young woman. During the ceremony, I was standing next to His Excellency the Nuncio, and nothing attracted my attention." "It is surprising," exclaims the advocate, "that the aforementioned Joseph did not notice the distress of the bride, of

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which all other witnesses, even those summoned by duty, attest. For he is an elderly man, over seventy years of age, with not very keen eyesight, and moreover, of a character not at all inquisitive, as is well known in Paris. Furthermore, he was completely ignorant of what had preceded, as he himself confessed, and therefore, he was not, as were others who were well informed about the matter, in a position to observe the expression of the bride." Furthermore, the advocate continues, everyone can see that the testimony of Mr. Joseph Sabatier is purely negative. Moreover, the most accepted principle, according to which purely negative witnesses do not disprove positive witnesses, should certainly hold in these judgments, in which the most esteemed authorities and even the Holy Roman Rota have not hesitated to assert that greater credence should be given to two witnesses who testify to fear, than to many who deny it, or even to those who assert that it was of free will. Thus, indeed, Mascardus, in this matter, easily takes precedence, *De probationibus*, vol. II, conc. 1055, n. 1: "Fear is more convincingly proven by witnesses who affirm it than by those who deny it; therefore, more credence should be given to two witnesses who testify to fear, than to a thousand who deny it, or who assert that it was of free will." And Panimollius, *decis.* 102, *ann.* 1, page 375: "More credence is given to two witnesses who testify to fear than to a thousand who testify to free will. And the reason is because those who testify to free will testify to an internal and invisible mental act, which is known only to God, while an external act indicating that it comes from free will may appear to be free, but is intrinsically involuntary." Others, however, who testify to fear, attest to threats, torments, or...

[*Latin ed. p. 226*]

226. PARISIEN. "to thousands... which are perceived by the senses of the body." This is in agreement with Barbosa, *Vota Decisa*, Book 1, Vote 1, number 84. Furthermore, the Sacred Rota, in decision 326, § 26, states: "In cases of coercion, more credence is given to the testimony of two witnesses who testify to the fear, than to the testimony of a thousand who testify to a spontaneous and free will." The mother of the actress testified that her daughter did not oppose, but rather, when she persuaded her that it was necessary for a man to defend them, because the father was already old. Regarding the difficulty arising for the actress, the advocate observes that the mother's judgment in this matter should not be considered; for she not only has an interest now in minimizing her own guilt, but she could also have been deceived at that time, falsely believing that her daughter freely accepted what the mother greatly desired, and which the daughter, on the contrary, suffered only out of fear. Furthermore, it is well known that it often happens that someone, pressed by greater force and led to temptation, speaks ambiguously, or even says things that he does not feel at all, and from which his mind is completely repulsed. Hence, that most famous

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decree of Alexander, Pope III, in chapter 14, *De Sponsalibus*: "Marriage is contracted solely by consent, and where this is questioned, the person concerned must enjoy full security, and their intentions must be investigated, lest they say they consent to something they hate, and lest the consequences that usually follow from unwanted marriages occur." But even granting, for the sake of argument, that the mother's judgment, as expressed above, is in accordance with the truth of the matter, the advocate still believes that this should be considered in favor of the nullity of the marriage. For it has been established in law that, in the case of children, even mere persistent prayers and persuasions from the parents are sufficient to render the marriage invalid; because, indeed, with these circumstances present, the children of the family rightly fear that, by refusing their consent, they will incur the indignation of their parents, which is certainly a great evil, and is treated as such in law. Thus, the esteemed Sánchez wrote, *De Matrimonio*, Book 4, chapter 6, number 14: "If (the daughter) reasonably feared that she would suffer long-lasting indignation, and that she would always be held in great contempt and displeasure by her father, and that she would be publicly reproached..."

[*Latin ed. p. 227*]

PARISIAN. 227, I believe that disobedience stems from a fear that weakens a steadfast man. For who is there among steadfast and prudent men who would not consider it a grave evil to always have before his eyes an offending father from whom he depends and with whom he will always be associated? Especially when one rarely finds someone who can restrain his tongue so as not to speak ill of him to whom he is hostile? And this is confirmed because a prudent man considers this so grave that he would rather choose to be an exile, forsaking his homeland and paternal home. Also, Cardinal Consalvi, in *De Separatoriis Matrimonii*, book 3, chapter 5, paragraph 78 and following, writes: "If a son vehemently detests a marriage offered by his father, and repeatedly protests that he will not consent to it, and if the father, being of a rigid and severe nature, clearly demonstrates that he intends to bring about such a marriage, and will not allow himself to be dissuaded from this determination, then the son is greatly terrified by this paternal obstinacy, because he reasonably fears that, if he does not obey such a father who is so insistent and absolute in his command, he will undoubtedly incur his displeasure." Nor is this different in more recent writings, among whom is Emus D'Annibale, who in *Summa Theologica*, edition 3, part III, § 445, states: "Fear never fails to vitiate a marriage when it corrupts other obligations... even if it is only reverential fear." And in *Propositions*, § 138, paragraph 16: "Reverential fear is said to be present when someone fears the displeasure (which is certainly an evil) of a father, lord, etc., even if there are no beatings or threats." Indeed, the advocate affirms that the prayers and persuasions of the actress were so insistent

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and importunate that they were the most extreme. The mother herself is the one who committed this act. However, the advocate believes that it should be remembered that not only importunate prayers and persuasions were present in this case, but that far more serious things were done against the actress, as is evident from the records of both the first and second inquiries, and as is clear even from the testimony that is now presented; for even there, the mother admits that the actress ceased [her resistance] "after the threats and mistreatment." Therefore, the advocate reasons, the actress made such a sacrifice, or rather,

[*Latin ed. p. 228*]

228. PARISIEN. The marriage proposed by the mother was accepted, inasmuch as she perceived that it was imposed upon her under the penalty of a greater evil, and was altogether unavoidable. Having stated this, the advocate concludes his argument, saying: "If the woman had not been compelled, but had freely consented to the marriage, certainly those things which have now been most abundantly proven would not have occurred; namely, the woman herself would not have been so deeply afflicted with sorrow, would not have shown such aversion to her husband, would not have neglected her conjugal duties, and, what is more, would not have wished for death, nor would she have written to the young man from Miramon, whom she loved from the heart, immediately before the wedding: 'My life is broken, it is done, I hope that the good God will not make me suffer for too long.'"

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE BOND. On the contrary, the defender of the marriage bond, recalling certain words related by the witness from Montemorand in the previous examination, concerning the aforementioned letters: "I will be able to submit several of these letters to the record," observes how the same witness, in the second examination, states that he cannot produce even one of the aforementioned letters, because he says: "I think that we burned them." Therefore, the defender concludes that the witness either spoke the truth the first time or the second time, but not both. However, on the other hand, the defender maintains the testimony of Caroline Allard: "I saw some letters from Madame Ferdinande during the first weeks of the marriage, in which she wrote to her parents that her husband was very kind to her, and she seemed very happy." The same witness sent a letter to the mother of the actress, in which she wondered how she could have done such a thing, knowing nothing. And the defender continues: "The mother of the actress had been urged by Caroline to give testimony in favor of her daughter, Ferdinande. But Caroline, fearing the outdated saying: 'A friend is Plato, but truth is a greater friend,' recklessly agreed to the requests of her friend. Therefore, according to the provisions of the law, witnesses brought in by a party, or confidants, prove nothing, unless witnesses who are not trusted are also

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brought in by the other party, or by the court itself."

[*Latin ed. p. 229*]

PARISIAN. 229 Therefore, the defense has the best testimony from the priest Joseph Sabatier, who states: "This young woman (Ferdinanda) asked me to testify in her favor. I replied that it was not possible for me, that I could only speak according to my conscience. After that, we parted." However, Carola Allard certainly did not fulfill what she had promised. Subsequently, she was pressured by the actress's mother to write the aforementioned letter. The defense believes that this action is contrary to the decree of Clement V (Clement, de test. cap. i), stating: "Just as it is not permissible to present other witnesses, or the same witnesses, in the principal cause, regarding the same or directly contradictory articles, after witnesses have been duly received and their testimonies published, so it should not be permissible in the cause of appeal: since, in appeals as well as in the principal cause, subornation must be feared." Here, the defense reminds us that one must not only contend in court with words, but also with evidence. For if words, without evidence, are held in honor, we must believe that the same thing can be both true and false. "You cannot drive out nature with a fork; it will always return," exclaims the defense. Just three days ago, the vice-count swore that he was prepared to present letters from the actress, given after the marriage, and no one envies him the fate that has befallen him. Now, he is considering presenting a letter written by the same actress before the marriage, addressed to Monsieur de Miramont, in which she requested assistance from him in order to marry him. When questioned, he asserted that he had received the letter. And shortly thereafter, he claims to be submitting to the Tribunal three emblems depicted by Ferdinanda, two years before her marriage; with which, the same young woman revealed her affection to Miramont. "Oh, holy people, in whose gardens such things are born!" exclaims the defense at this point; but where is the letter, or rather, the letters? For in addition to the letter of Ismaël, Francis mentions a letter given to him by Ferdinanda, in which, according to Francis, Ferdinanda, on the day of the wedding, cried out:

[*Latin ed. p. 230*]

230 PARIS. "My life is broken; it is done. I hope that the good God will not make me suffer for too long; I no longer live except for my little father." At "quod non est in actis non est in mundo," and the defender marvels at how Franciscus de Miramon did not carefully preserve the letters, even though it is not his custom "to keep old papers and old letters"; yet, he carefully guarded the emblems. But those emblems are as far removed from a forced marriage as heaven is from earth, as the infinite is from the finite. Furthermore, among the witnesses who must be questioned by duty, there is especially the vice-parish priest Sabatier, since he was present at the

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celebration of the marriage. Therefore, the moderators of the proceedings of Paris, having summoned him for a judicial examination, asked him: "Did you attend the religious marriage? Did the young lady give any signs of sadness during the ceremony?" To this, the vice-parish priest replied: "I noticed no disturbance in that young lady. During the ceremony, I was next to His Excellency the Nuncio, and nothing attracted my attention." The judge adds: "What do you think about the existence of coercion?" The vice-parish priest replies: "I cannot say anything about coercion. I was not intimate with the household. I rarely went to the family, and if there was coercion, it must have occurred within the intimacy of the family." Here, the defender observes that the relatives, affine, and acquaintances of the companion Philip should certainly be questioned. But the moderators of the proceedings of Paris, although they should diligently strive to follow the procedures in order to bring witnesses to the examination, unknowingly, and indeed, through the actress, they consult with the patron of Ferdinanda in the first session of the trial, regarding the questioning of witnesses from the side of the husband, Philip. Having heard this, the moderators of the proceedings do not think to hear unreliable accounts, but instead, they summon new witnesses devoted to Ferdinanda. But the aforementioned witnesses, as the defender notes, spoke not of things known to them from their own knowledge, but from hearsay.

[*Latin ed. p. 231*]

PARISIEN, 231, and cites Quintilian, 11, concerning the wealthy: "For who does not know that the nature of fame is to be the first act of a man's audacity?" And shortly thereafter: "What you cannot move in the city, what you cannot fill with people, if you were to tell everything, if you were to speak in no gathering without mentioning it, especially when you pretend that it is already a rumor? How much material for lying then arises from this, concerning the dangers of our situation." The famous slap remains: "Once, my mother (the actress) gave me a slap because I refused my consent to the marriage that she proposed to me. This happened in the presence of Madame Allard, a friend of my mother." Indeed, there are witnesses who multiply these words: "I heard it said; it was said." But it is certain that it happened no more than once. For the actress herself says: "once." Moreover, the defender fears that this slap may not exist in reality. For, the defender says, Carola Allard, a friend of the actress's family, testifies to her own knowledge of the matter. Finally, the defender believes it is not without importance to note that those witnesses, who in both the first and second inquiries, lacking facts with which to prove the existence of coercion, erupt with such things and similar statements: "I always thought that this marriage was not valid because of the coercion." For, the defender teaches, witnesses are to faithfully report the facts, along with all the circumstances and details of place and time, so that judges, after carefully

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considering the circumstances related by the witnesses, may judge of the justice or injustice of the case, whether coercion was or was not present, and whether the marriage is to be considered valid or invalid. On the other hand, witnesses, acting as they do in the present case, turn the roles, not as witnesses, but as judges, when they exclaim: "I am convinced... this marriage was not valid," etc. Nor do these general phrases carry greater weight: "She (Ferdinanda) was under pressure... She felt a great aversion... She did not dare to resist... She did not have the means to resist her mother... The very painful scenes multiplied constantly..." etc. Indeed, in

[*Latin ed. p. 232*]

232 PARIS. In the summary of decisions, 920, number 16, 17, and 18, read before Mölmes, it is stated: "An act is annulled due to coercion, as that which has been done must be conclusively proven. And indeed, with the circumstance that the coercion was inflicted upon a steadfast man. For if the act was performed with some eagerness, it does not result in proof of violence and coercion, which a steadfast man could not have avoided." The same Rota, in decision 301, number 17, part 21, records: "All the witnesses testify that Lord Charles was urged to the marriage either by force or by the order of his father, which general testimony is not sufficient." Finally, the mother herself testifies: "Despite her antipathy for the young man, which she made very clear, she ended up obeying my orders and my desires, saying that she was sacrificing herself for her family." Therefore, the defender concludes, she did not enter into the marriage under coercion, but offered herself as a sacrifice for the family, because she willed it. With these considerations in mind, the purpose was to examine whether the doubt should be resolved regarding whether the sentence of the Archdiocesan Court of Paris should be confirmed or overturned in this case. To this doubt, the Holy Congregation responded: "New witnesses are to be summoned and examined, according to the instruction to be given by the Defender of the Marriage Office." The instruction given by the Defender of the Holy Bond was as follows: "Since witnesses, although otherwise honest, are not entirely trustworthy if they are bound to the person for whom they are giving testimony by blood, friendship, servitude, or some other similar bond; and since this applies to the witnesses who most support the aforementioned Countess Ferdinanda, it seemed to the Fathers that new witnesses should be sought, namely, witnesses who are impartial or who are free from any desire to favor the plaintiff. "Let no one fear that this task will be laborious and frequent. However, there is no reason to despair: therefore, among the witnesses for the marriage, the brother of the aforementioned Count Philipp should be examined; nor has the mother been proven to have died. These individuals may perhaps know something relevant and may inform

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others about the matter."

[*Latin ed. p. 233*]

PARIS. 253 indicates. Moreover, this astute man, seeking to vindicate the sacrament, diligently investigated the matter with his renowned expertise and industry. The Parisian court immediately conducted a new investigation, examining several witnesses, among whom the testimonies of the wife's mother and brother were particularly prominent, and transmitted the proceedings to the Sacred Congregation, at the same time indicating: "The new witnesses, according to the instructions of the defender of the marriage, were questioned ex officio, and their statements appear to confirm our opinion."

DEFENSE OF THE WOMAN. Before presenting the new testimonies for examination, the actress's advocate first recounts certain arguments, which he believes he has sufficiently and abundantly demonstrated in his previous pleadings, namely, from the judicial examination of the actress and her husband, from the confession of the same mother, and from the oath of nineteen witnesses, several of whom were examined ex officio. Therefore, the advocate stated, the mother of the plaintiff, a woman of a severe and rigid character, prone to anger and violence, while in the most dire circumstances, forced her mild and timid daughter into an unwanted marriage through importunate and insistent prayers, persuasions, threats, beatings, confinement to her room, and other afflictions. The plaintiff, as much as she could, resisted, but finally, overcome, she yielded and, after first protesting against the imposed marriage, approached the altar with tears and other signs of sorrow; she subsequently neglected her conjugal duties and manifested the greatest aversion to her husband; and, scarcely having completed the nuptial rite, she sought to obtain a judicial separation of bodies. These facts, the advocate now affirms, are confirmed by the newly presented evidence, and he contends that the new witnesses, recently examined ex officio, have not only failed to suggest anything against the nullity of the marriage, but have wonderfully confirmed it. Therefore, the advocate continues, all the aforementioned witnesses, as well as the other nineteen who were examined in the previous investigations, when asked by the Judge, responded in such a way that: "In fact, do you believe that this marriage..."

[*Latin ed. p. 234*]

234 PARIS. Was this marriage concluded by the will of the lady against the will of her daughter? And did the latter yield only to the pressure exerted upon her by her mother? Unanimously, they responded with words that were more or less similar, and even stronger, than those used by the aforementioned witness, the Lord of Moucheron, namely: "I am absolutely certain that this marriage was concluded by the formal will of the lady against the will of her daughter, and that the latter yielded only to the

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pressure exerted upon her by her mother." Therefore, the defender of the marriage, who in the preceding statements criticized the responses as being unmindful of their duty and presuming to take the part of the judge, the advocate replies that, as is evident from the foregoing, they were not doing other than fulfilling their duty by responding to the explicit question of the judge. And if, by this stated criticism, the aforementioned defender intended indirectly to cast a mark of incompetence upon the archiepiscopal court of Paris, there would be just cause for complaint, the advocate contends. For, he says, it is well known that witnesses, especially when questioned at a particular time or unexpectedly, do not always readily have at hand the words suitable for accurately and distinctly expressing certain details of circumstances and persons, which, however, when properly considered, are most conducive to rendering a correct judgment. Furthermore, it is well known that words most often do not signify their etymological meaning as much as the manner in which they are uttered, with more or less intensity or emphasis, in particular cases. Indeed, the advocate argues, it is advantageous, and useful for uncovering the truth in a trial, not only to question witnesses about the individual circumstances of the facts, but also to inquire from them what their actual opinion is regarding the same facts. And when that opinion or belief, as has happened in our case, is unanimous or almost unanimous, and concerns a large number of witnesses, and, what is more, witnesses who are distinguished by prudence, age, nobility of birth, and religion, it is certainly unworthy to despise it. And contrary to the witnesses who swore, the advocate was...

[*Latin ed. p. 235*]

PARISIAN. 235. Presumption, which gives strength to a mild and timid nature, asserts that the woman could not have been timid, because she had already undertaken many journeys with her father. But the advocate replies that, in law, presumption must yield to truth; and that it is equally true that "Nature, though driven away by a fork, will always return." Therefore, if the woman had a timid nature, those journeys may have perhaps lessened some of her timidity, but they certainly could not have made her bold and fearless, especially since she was only seventeen years old at that time. Having established this, the advocate proceeds to discuss the testimonies of those very individuals whose testimonies the Holy Congregation had ordered to be heard, namely, the mother and brother of the woman. The advocate states that the testimony of these witnesses must be taken into account, since they are witnesses for the plaintiff, and they were not only unable to offer anything against her, but indeed, they were obliged, albeit reluctantly, to confirm many of the facts presented by the plaintiff and other witnesses. Given these circumstances, and since not only the numerous and most distinguished witnesses who were questioned in the initial investigation, but also many others who were repeatedly called

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and examined, especially these two most recent witnesses, were unable to say anything against her, but rather clearly confirmed what the woman and her mother affirmed under oath, the advocate concludes that their testimony should be considered trustworthy and should be given credence. Proceeding further, the advocate presents the testimony of Caroline Allard and the subsequent letter from the same person, which the defender of the accused calls "a monument of unparalleled audacity." Indeed, the witness Allard had stated in her judicial examination: "I saw some letters from Ferdinande during the first weeks of the marriage, in which she told her parents that her husband was very kind to her, and that she seemed very happy." But, according to the advocate, even if these words were consistent with the truth, they, by themselves, do not constitute an insurmountable obstacle to his thesis. For many of...

[*Latin ed. p. 236*]

236. PARISIAN. Because of the circumstances, for example, in order to alleviate the excessive anxiety of the father and other relatives, and perhaps even under the influence of that very man, that woman might have written those words. She might also have offered this apparent justice to that same man, a sincere woman, by telling him, "He was very kind to me," if, indeed, he had truly behaved with kindness in order to overcome his wife's aversion and to gain her favor; but it does not follow from this that her husband had achieved his goal, and that the woman herself had repaid him with a reciprocal kindness. Furthermore, the witness expressed her opinion with these words: "She seemed very happy," but, the advocate continues, everyone can easily see that appearances can be deceiving. However, because the woman knew that she had never actually written the letters about which she had spoken, and because Carola Allard, upon learning the testimonies of the witnesses for the first time, asked her to explain the reason for her words, which deviated from the truth. This, the advocate argues, stemmed not from audacity, but from a good right, or from the testimony of a good conscience. For, he says, if in all trials the comparison of witnesses, commonly called "confrontations," is permitted, whether between the witnesses themselves or between the witnesses and the plaintiff or the defendant, there was nothing to prevent the woman from questioning Carola Allard about her false testimony. Moreover, if, in this very Congregation, it was recently permitted to the Countess of Montmort to present new witnesses to demonstrate the falsity of the statements made against her by two or three other witnesses, then, by the same reasoning, it was permissible for the woman to present a document in which the witness herself acknowledged her error and made amends for the unjustly inflicted damage: "It is undoubtedly, she said, the result of a confusion that stemmed from my deep distress... I was so disturbed by that interrogation that I made confusions that I cannot yet explain, because I knew better

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than anyone her (the woman's) sorrow and her repugnance." Furthermore, against the opponent, who is trying to suggest that Carola Allard's confession was extorted and not genuine, the advocate will present arguments, both internal and external, to prove the truth of this confession.

[*Latin ed. p. 237*]

PARISIAN. He proves it, first, by internal evidence; for Carola contradicted herself in her examination, which certainly would not have happened if it were not true what she herself asserts in the aforementioned document, namely, that she was then confused and disturbed in mind. He proves the same thing by external arguments. Indeed, the things that Carola said in her examination, and which she confesses in the aforementioned document to be false or erroneous, contradict all the other witnesses, even those who were rigorously questioned, and especially the husband's most devoted mother. Finally, the things that the aforementioned Carola Allard confessed, and which all the other witnesses affirmed under oath, the advocate wishes to confirm from the things that were presented by the aforementioned husband before the civil court, on the occasion of the civil divorce, and which the woman could not deny, except because they were true, although at that time she had a very great interest in denying them, in order that the divorce might be pronounced in her favor. In particular, on the part of Philip, among other things, it was stated: "From the very first days of the marriage, she [the woman] showed her husband only coldness and aversion, going so far as to completely refuse to fulfill her conjugal duties." Indeed, the advocate concludes, a woman who marries with even the slightest degree of that liberty which the Holy Church requires in marriages under pain of nullity, does not show aversion to her husband from the very first days "from the very first days," nor does she absolutely refuse to fulfill her conjugal duties "until a complete refusal to fulfill the conjugal duty"; moreover, she does not vehemently refuse to write her name next to that of the aforementioned husband in the marriage record, which he had given her, intending it for her "she never agreed to put her name next to that of Mr. the husband on a marriage record that her mother-in-law had given her"; much less does she speak of death and immediately before the marriage writes: "My life is broken by the marriage that I was forced to make... It is done, I hope that the good God will not make me suffer for too long."

[*Latin ed. p. 238*]

238 PARIS*™ - OBSERVATIONS OF THE DEFENDER, OR COUNSEL FOR THE PETITIONER. The Defender, in his argument, primarily notes that, to prove coercion, not words, but actions are required. The Sacred Roman Rota, in its judgment 920, numbers 16, 17, and 18, before Molines, declared: "The allegation of coercion to annul a marriage, as something per-

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taining to fact, must be conclusively proven. Indeed, with the circumstance that the coercion fell upon a constant man. And if the act was demanded with some urgency, it does not follow that there is proof of violence and coercion, which a constant man could not have avoided." The same Rota, in its judgment 301, number 17, part 21, stated: "All the witnesses testify that Mr. Charles was urged by his father to enter into marriage, which general testimony is not sufficient." Truly, even though Ferdinand presents a host of friends, relatives, and neighbors, who attempt to persuade the woman to testify that she was compelled into marriage by her mother's importunate and insistent persuasions, reprimands, threats, etc., nevertheless, the counselor argues, one should expect some fact from these witnesses that, with the circumstances and details of place and time, would clearly demonstrate 1. that the fact occurred without a doubt, 2. that it involved coercion upon a constant man, and 3. that it was done to induce the daughter to enter into marriage against her mother's will. All of these things, he insists, must concur cumulatively, before one can speak of forced marriages. In short, according to the counselor, the investigative records are filled with narratives that are easily suggested by feelings of benevolence and compassion for Ferdinand; and there is no lack of suspicion that, out of friendship, testimonies have been given contrary to conscience. Therefore, he repeats the testimony of the seventy-year-old priest Sabatier, who, preferring the love of truth to friendship, stated: "This young woman (Ferdinand) asked me to testify in her favor. I replied that it was not possible for me, that I could only speak according to my conscience. After that, we parted." Furthermore, against the opponent, who strives to...

[*Latin ed. p. 239*]

PARIS. 239 The profession of Caroline Allard was extorted and not genuine; the advocate proves the truth of this assertion with arguments, both internal and external. Firstly, internal arguments: for Caroline contradicted herself in her examination, which certainly would not have happened if what she asserted in the aforementioned document were not true, namely that she was then confused and disturbed in mind. Regarding this matter, the judge of Paris ordered that unreliable witnesses be questioned, especially the mother and brother of the actress. Therefore, the advocate presented the testimony of Philip, the brother of Armand, and of the mother, the marchioness. Indeed, when questioned, Armand said: "I do not remember that Ferdinanda showed any aversion to anyone in my family, nor that she lacked freedom in the celebration of her marriage." Furthermore, the judge asked: "Did you attend the wedding, and what did you notice? Did you see that Miss Allard wept a great deal, and how was this interpreted?" To this, Armand replied: "I was a witness to my brother. At the civil ceremony, I noticed nothing. At the religious ceremony, I was told that Miss Allard wept. I did not draw any conclusions from her tears, which occurred

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quite frequently in such circumstances." Furthermore, the mother of the groom, the marchioness, under oath, testified: "I absolutely do not know that the young lady refused to marry my son; if I had known, I would have opposed the marriage. I have heard nothing of what Madame may have done to impose this marriage on her daughter." With these points established, the defender of the marriage argues that the judge of Paris omitted to question these witnesses, Armand and the marchioness, as to whether they knew of others who were informed about the matter, although this was hinted at in the documentation. Furthermore, it was indicated to the same judge that he should question any witnesses that either Ferdinanda or Philip might present in the divorce case. But the judge did not do this. This, according to the defender, is evidence that the alleged fear within the secular court was not present; nor were the witnesses induced. Indeed, the advocate argues, the witnesses who were brought forward did not only waste time, but also their names are unknown, and it is not known from whom they received information.

[*Latin ed. p. 240*]

240 PARIS. Concerning this matter, the defender of the marriage concludes that the alleged fear, after so many investigations, is not only unproven, but it is now clear that the opposite is true. Indeed, the German testimony is as follows: a) The mother was not the one who urged Ferdinand to enter into marriage. Furthermore, both the mother and the daughter cite Carol Allard as a witness, who testifies: "I regard Mrs. [the mother of Ferdinand] as an admirable mother, incapable of a bad action. She would never have sacrificed her child, either for a name or for a fortune." b) The mother of Ferdinand herself, even though she may stir up the very depths of hell to suggest that she instilled fear in her daughter, nevertheless concludes: "Despite her antipathy for the young man, which she made very clear, she ended up obeying my orders, saying that she was sacrificing herself for her family." - "No, never," (adds the aforementioned witness, Carol Allard), "did I ever think that Mrs. [the mother]'s marriage could not be valid due to pressure." With these observations, the purpose was to resolve the doubt as to whether the judgment of the Archdiocesan Court of Paris should be confirmed or overturned in this case. RESOLUTION. The Holy Congregation, after discussing the matter on June 18, 1898, decided to respond: The judgment is to be confirmed. ALBIEN. DISPENSATION FOR MARRIAGE. July 16, 1898. Session 24, Chapter 5, Concerning the dispensation for marriage. SUMMARY OF THE FACTS. Maria Aloisia, being twenty years of age, on July 2, 1894, in the parish church of the town of Labruguière, was lawfully married, with all due solemnities observed, to Urban, who was then twenty-six years old, under ill-omened auspices. For, as is narrated, after the marriage, the spouses used the same bed on the

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first night of their marriage, but the husband declared to his wife,

[*Latin ed. p. 241*]

ALBI. On the 24th of that month, he was suffering from a disease, for which he had been forbidden by a physician from having relations with her. Therefore, the spouses used separate beds from that night onward, and never again engaged in conjugal intercourse. For this reason, the conjugal life was disrupted, and the husband frequently left his fiancée's house, staying with his parents in the town of Sémalens, in order to receive medical treatment from his physician; until, on the 9th of October of the same year, having collected his belongings, he left his fiancée's house, never intending to return. Meanwhile, Aloisia, having learned that the disease from which Urban suffered was a venereal disease, and that it was so severe that no cure could be hoped for, appealed to the civil courts, requesting and obtaining a separation of bodies. Subsequently, she petitioned the Holy See, asking that it would deign to grant her a dispensation from the marriage, which had been consummated. The Albiensis court, having received a delegation from the Sacred Congregation of the Council, instituted a process, examined the woman, and subjected her to an examination by seven individuals, as well as a physical examination. The man also underwent an examination, but no witnesses were presented regarding the matter of consummation.

DEFENSE OF THE WOMAN. Acts, Volume XXXI, page CCCLXIV, 16.

The advocate who defended the woman argued that the marriage had not been consummated, primarily based on the testimony of the woman herself, Mary Aloisia, who testified before the sacred tribunal: "My husband declared to me that, due to his state of suffering, we could not have conjugal relations together, so I refrained from asking him for them. He, on his part, never asked me for them, telling me that his doctor had forbidden him from doing so. Not only was the conjugal act not consummated, but it was not even attempted, due to the illness of my husband." The advocate argued that Mary Aloisia's statement should be entirely believed, based on the testimony regarding the matter of consummation.

[*Latin ed. p. 242*]

242 ALBIEN. states: "I knew Marie Louise," said Theophilus Pages, a judge of the peace in the town of Labruguière, "before her marriage, throughout her entire childhood and youth, and I have always considered her to be a person of impeccable conduct and great piety." He adds: "I attest to the sincerity of Marie Louise, and I believe her testimony to be true." Camillus Nègre, a physician in the same town of Labruguière, testified: "I believe in the sincerity of Marie Louise, and I attest that her testimony is true, for the things that came to my knowledge." Likewise, the Reverend Aloysius Chabbert, the parish priest of the town of Saint-Marie, affirmed; nor did the Reverend John Aloysius Ruffiac, the pastor and the mother

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of Aloisia, testify otherwise. Furthermore, these witnesses, the advocate continues, not only testify concerning the actress's truthfulness and piety, but also constantly affirm that the marriage was not consummated. The same is affirmed by the physician Camillus Nègre, whose testimony the advocate believes to be of great importance, because he himself, at a time when there was no suspicion, knew that the marriage of Marie Aloisia was not consummated, and for that reason, he states this. Nor did Theophilus Pages testify otherwise, who not only learned from the wife's house, but also from the husband's, that the marriage had not been consummated. However, he continues, it is not necessary to insist on the testimonies of the witnesses, since there is available clear physical evidence of her integrity, obtained through an examination, meticulously carried out according to the instructions of the Sacred Congregation, by three midwives, in the presence of a matron and two physicians. The sworn testimony of the midwives confirms the woman's virginity. Furthermore, Alfred, Garipuz, before the sacred tribunal, spoke these words: "The examination by the midwives was carried out according to all the rules of the art, allowing one to form an exact opinion on the result of this examination. I conclude that Marie was not defiled. I am convinced..."

[*Latin ed. p. 243*]

ALBI. 243, defeated. Similarly, the doctor states: "According to the testimonies given by the midwives, I attest that the examination was carried out according to all the rules of the art, in such a way as to provide a complete result. I conclude that Marie Louise is a virgin, and that there has been no marital intercourse." Furthermore, according to the speaker, no difficulty seems to arise, since the accused affirms the consummation of the marriage: "I declare," he says, "that my marriage has been consummated." However, the speaker responds that this testimony should be considered highly suspect and does not deserve any credence. For, in the first place, he himself, outside of the judgment, stated that the marriage had not been consummated. And indeed, Theophilus Pagés, a judge of the peace in the town of Labruguière, testified: "The non-consummation of the marriage was attested to me by a cousin of Urban Roques, who confided this to him." For this reason, the speaker continues, Urban refused to bring forward witnesses under oath, lest these witnesses, when called before the judge, might affirm that they had heard from the same Urban that the marriage had not been consummated. Therefore, the Archbishop of Albi wrote in a letter addressed to S. O. C.: "It should be noted that the man refused to bring forward witnesses under oath to corroborate his confession, which makes his testimony highly suspect." Furthermore, the speaker notes that Urban acted in such a way that he did not even confess before the judge that the shameful disease with which he suffers also renders him incapable of procreating children; lest he accuse himself of the vice by which he dis-

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honorably deceived the unfortunate girl. Therefore, another cause, no less reprehensible, is found in the same letters of the Archbishop of Albi, in which it is written: "Moreover, he did not hesitate to respond in writing to the first summons of the judge, stating that he would not appear before the judge unless his wife first gave him twenty thousand francs (20,000 francs) in compensation for the damages of the civil proceedings. Since the judge refused to accept this condition, which certainly has nothing to do with the matter, could it be that, out of anger towards his wife, he denied the consummation of the marriage?"

[*Latin ed. p. 244*]

244. Furthermore, the advocate, rising higher in his argument, sought to demonstrate from the principles of law that the sworn testimony of a man should prevail over the confession of a woman, even if the latter has also proven her virginity through the appearance of her body. The defender cited this from the very law of the decretals, where in Chapter IV concerning proofs, the following is read: "You have presented to us, beloved son, prefect, that in the matter of a marriage, which concerns the chosen son, O. de Casa nova, and the daughter of O. de Pisco, a woman, the authority has been delegated to you by apostolic mandate. And since the parties were present before you, the woman stated that she was not known by the man, nor could she have been known, and she proved this both by her own oath and by the testimony of seven women, who, by the appearance of her body, affirmed that she was a virgin; while the man, by his oath, asserted the contrary. Therefore, you did not wish to proceed in the matter until you had obtained our counsel concerning this. It seems to us, therefore, that greater credence should be given to the oath of the girl and the testimony of those seven women, who, through experience, affirm that she is a virgin." Phiring offers this reasoning on the matter: "Because the oath of one is not complete or full proof... therefore, if, on the contrary, as in the case of this chapter, complete and full proof is presented in favor of the woman, it should prevail, or be preferred, over a less complete or semi-complete proof" (Jus can. ad idem caput § 6). Reiffenstuel teaches the same: "Proof by the appearance of the body is preferred to proof by sworn testimony to the contrary" (Ius can. univ. ibid. § IV, n. 86). Moreover, and in addition to these, Benedict XIV affirms the same: "If marriage is alleged to be invalid due to impotence, and the man contends that he has known his wife, and the woman denies it, credence is given to the man who affirms and swears, and judgment should be rendered according to him... But, if the woman accuses the man of lying and perjury, and wishes to prove her virginity through the sworn testimony of matrons, an examination should be ordered, and credence is given to the woman" (Quaest. can. 323). Furthermore, the advocate cited

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this doctrine from several decisions.

[*Latin ed. p. 245*]

ENGLAND. The Sacred Congregation of the Council endeavors to ascertain the facts. Thus, in a certain case in Naples, when a woman, after two years, complained of her husband's impotence, and swore that the marriage had not been consummated, and, after an examination, her virginity was discovered, the Sacred Office declared, on December 5, 1846, that there was a place for a dispensation from a marriage that was valid but not consummated, even though the husband had affirmed the consummation by oath, and, from the perfect structure of his body, he appeared to be endowed with virility. A similar judgment was rendered in another case in Naples on July 21, 1827, although even here the husband's oath stood in the way, and a certain false opinion of the woman appeared, by which she believed that she was carrying a child in the womb during the first months of marriage, indeed, even a rumor of an abortion remained. Nor was it otherwise decided in Leodien on August 26, 1758, and in Genoa on September 9, 1815. Furthermore, while Benedict XIV held the office of secretary of the Sacred Office, a case concerning a dispensation in Genoa was brought before it, between Anne Mary Pallavicini and John James Imperiali, in which one denied that the marriage had been consummated, while the other affirmed it. And although no examination was made of the wife's virginity, yet, relying on evidence favorable to the woman, and especially on extrajudicial confessions of the husband, on May 20, 1719, the Sacred Congregation issued a decree in favor of the dispensation. The husband, vehemently protesting, delayed the judgment in the same year, on September 9. Then Anne Mary presented herself, prepared to prove her virginity through a physical examination. As soon as this was brought before the Sacred Office, it ordered that any other kind of proof be omitted, and that the woman's examination be carried out. When the virginity of Anne Mary appeared, on January 27 of the year 1720, the Sacred Congregation confirmed the judgment that had been pending from the beginning. (Benedict XIV, quaestion. can. 108). From this, the advocate argues, that in the case of Mary Aloisia, since, after [the examination, there can be no doubt; it is not permissible to doubt that her marriage with Urban was never perfectly consummated. Therefore, since there is no doubt in the matter, according to the advocate...

[*Latin ed. p. 246*]

246. IN ENGLAND. Regarding the consummation of the marriage, it appears that there is room for a dispensation due to grave and legitimate reasons. Firstly, it is observed that there exists a profound aversion between the parties, so great that their reconciliation cannot be hoped for in any way. Secondly, the advocate presents the cause of the illness from which

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Urban suffers, since it would be cruel and inhumane to perpetually prevent the unfortunate girl from marriage, or to force her, as it were, into the embrace of a corrupt and exposed husband, so that she herself might be infected with a shameful disease, by which she might lose her life, or lead a miserable and burdensome existence. To all this is added the danger of incontinence, in which the unfortunate woman finds herself at the very beginning of her youth. Moreover, it is the law in France that, after three years of separation, a civil divorce may be granted at the request of either party. If this were to occur, it is clear to everyone the predicament in which the young woman would find herself, who is young and in greatest need of a husband's protection, and who would therefore flee to what they call a civil marriage.

OBSERVATIONS OF THE DEFENDER OF THE SACRED BOND. On the contrary, the defender of the bond first observes that all the witnesses presented were from the woman herself. Therefore, it is not surprising that the woman's husband would raise the witnesses to the heavens and shift all the blame onto Urban. It rarely happens that a witness says anything against the one who brought him forth. For this reason, in no case, nor in any judgment, is a dispute granted to the plaintiff based on the testimony of witnesses brought forth by the plaintiff himself. Furthermore, with regard to marital causes, the Instruction issued by the Most Holy Office on August 22, 1840, states: "Proceeding must be had to an examination by seven relatives from each side, according to the form prescribed (in chapter, concerning your letters, regarding coldness and malice)." The aforementioned examination, the advocate continues, cannot be neglected according to the law of decrees, lest the judgment be vitiated by a flaw, as Sánchez states, *De Matrim.*, book 7, disputation 108, number 9. The Sacred Congregation, in response to a question from the Archbishop of Warsaw, asks: "Is it necessary in cases of nullity of marriage for any reason..."

[*Latin ed. p. 247*]

ALBIEN. 247: Before the spiritual judge, it is necessary to demand that witnesses be produced under oath, or is this only to be observed in cases arising from the impotence of one of the parties, while in all other cases it can be omitted? On June 16, 1894, he replied: "No, to the first part, and the testimony under oath, strictly understood, is required to corroborate the confession of the spouses regarding the lack of consummation of the marriage." Let it not be said, 'Since the defender of the marriage is present, the witnesses from Urban's side are therefore not to be questioned, because Urban has yielded to his right'; for the advocate responds: if Urban, by this manner of proceeding, could bring prejudice to his right, it does not follow that the legitimate protection of the marriage is thereby considered prejudiced. For, besides the testimony, whether of midwives or physicians, the canons require an examination under oath from both sides, because

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(as Sánchez de matr. lib. 7, disput. 108, n. 7 and 8 notes), "often the eyes and hands (of those examining) are deceived, even to the greatest extent, because women use many deceptions by which virgins appear to be." And: "So that the dissolution of the marriage may be carried out with more cautious diligence. This is a matter of the utmost importance." Furthermore, the advocate continues, in order to validly grant a dispensation concerning the marriage, besides certainty of the lack of consummation, a just cause for dispensing is also necessary. In this matter, the midwives are silent, and the witnesses do not prove anything, because they are confident, or are produced by the actress, nor is there one who is doubtful, or, from the side of the man. Indeed, when questioned: "What are the causes that led you to abandon the conjugal home?" Urban replied: "The causes that led me to abandon the conjugal home were the bad character of my wife, and my situation in her family, which was more that of a stranger than of a husband." When urgently questioned: "Would you consent to the resumption of the common life?" He replied: "No. I am convinced that everything would start again after fifteen days." Therefore, the defender of the marriage concludes, concerning Mariae Aloisiae,

[*Latin ed. p. 248*]

248. Regarding a certain ALBIEN, who sought a dispensation concerning marriage, having duly contracted it with a certain Urbano Roques, the divine precepts are recalled (Col 3:18): "Wives, be subject to your husbands, as it behoveth in the Lord," and Genesis 3:16: "To the woman also he said." Therefore, with these considerations in mind, the following question was proposed: Whether it is permissible to consult with the Most Holy Office concerning a dispensation for a marriage that has been contracted but not consummated in this case. RESOLUTION. After deliberation by the Sacred Congregation on July 17, 1898, it was decided to respond: Affirmative. FROM THE OFFICES OF THE VICARIATE OF ROME: STATUTES concerning the confessionals in churches and monasteries, both public and those reserved for women. To the Most Reverend Rectors of the churches and to the Superiors of Monasteries and Religious Houses in ROMAE. It is brought to the attention of this ecclesiastical court that in some churches within this diocese, and at certain religious institutions, the confessionals for women are not in the proper condition. To eliminate this abuse, which can give rise to very serious inconveniences, it is reminded to the Most Reverend Rectors of churches, and to the superiors of women's convents and other pious institutions in ROMAE, that in some churches of this city, and in certain religious institutions for women, the confessionals intended for the hearing of the confessions of the faithful are not in the conditions prescribed by the sacred canons. To eliminate this abuse, which is prone to

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causing serious inconveniences, it is urged.

[*Latin ed. p. 249*]

From the houses, the confessionals for women must be placed in the church, in a public place, equipped with a dense, immovable grate (and it is strongly recommended that it be covered all around with a fixed veil), and constructed in such a way that the confessor remains completely separated from the penitent. Therefore, confessionals for women located in sacristies, without a dense grate, those that are placed in the church, but in a secluded, dark, or otherwise hidden place from the eyes of the public, and those consisting of a simple table with a grate, called "half confessionals," are to be considered irregular. Furthermore, confessionals in monasteries and female religious houses are also irregular if, in addition to a dense grate, they are not equipped with a fixed veil to make the priest invisible, and in which the confessor does not remain in a different environment from that of the penitent.

We remind Rectors of these things in Rome: These tribunals for women must be placed in the temples in a public place, equipped with dense and fixed grates (and we strongly expect that they be covered all around with a stable veil); and constructed in such a way that the priest, hearing the confession of a woman, is completely separated. Therefore, confessionals of this type for women are to be considered abnormal, whether they are located in sacristies of the temples; or even if placed in the temples, yet lacking a dense and fixed grate, or placed in a remote and dark place, so that they are almost hidden from the eyes of the faithful; or whether they are constructed with a single table with a grate: these are therefore considered tribunals for hearing confessions. Furthermore, confessionals for women are to be considered abnormal, which, in monasteries, or in convents, or in any other such establishments, are not equipped, in addition to a dense and fixed grate, with a stable veil, by which the priest is made invisible; also, those in which the priest hearing and the woman confessing are in the same and single space. These and other similar things.

[*Latin ed. p. 250*]

250 FROM THE OFFICES V] Concerning defective forms of confession, these must be abolished or corrected within one month from the date of this present decree, by order of the superiors; the undersigned hereby gives formal instruction to those concerned, warning that, after the said term has elapsed, he will not fail to send ecclesiastical persons to verify whether these orders have been duly executed. On this occasion, it is also reminded that the confessions of women, even in churches and in regular confessionals, cannot be heard, without a very special privilege, for more than half an hour after the "Ave Maria" and vespers. From the Secretariat of the Vicariate, February 9, 1898.

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HIATUS

ROME

Concerning abnormal penitential tribunals for women, within one month from this day, they must be completely eliminated, or amended; and this, the one who writes, expressly commands to all those concerned, reminding them that, if the established time elapses, ecclesiastical men will be sent, who before their very eyes will verify whether obedience has been given to these commands. On this occasion, it is also brought to mind that the confessions of women, even in temples, although penitential tribunals are located there according to the sacred canons and are properly placed, cannot be heard for more than half an hour after the evening prayer (in which the angelic salutation is customarily recited), without a very special privilege.

Given from the office of the Cardinal Secretary of the Pontifical Vicariate, on February 9, 1898.

LUCIDUS M. A CARD. VICARIUS L.

* S. PETRUS Can. CHECCHI, Secretary.

[*Latin ed. p. 251*]

251 FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION: Concerning the conditions for absolving those who have joined forbidden sects. Most Blessed Father, the Bishop N. N., prostrate at the feet of Your Holiness, humbly reports that those who are members of Masonic sects frequently present themselves to confessors seeking absolution. Therefore, the undersigned humbly asks whether, in virtue of the faculties granted by the customary instructions of the Holy Penitentiary, both secret and public Masons can be absolved, and whether, as prescribed in said instructions, a formal and public abjuration must be required from all of them, to be kept in the Curia. And so forth. Thursday, the 10th of August, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, Inquisitors General, after the following doubts were proposed, and with the vote of the Most Reverend Consultors having been heard, the same Most Eminent and Reverend Fathers ordered that a response be written: "The Bishop should use the faculties that are customarily granted to Ordinaries by the Holy Penitentiary, by virtue of which he, and others delegated by him, can absolve those who have joined forbidden sects, whether they are notorious or not, provided that they completely separate themselves from the respective sect, and that they, at least before the confessor, swear or detest [the sect], repair the scandal in the best way possible, and are subject to other lawful injunctions, according to the aforementioned instructions of the Holy Penitentiary." Furthermore, on Saturday, the 5th of

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the same month of August, during the customary audience granted to the Reverend Father Assessor, after a report was made to His Holiness Pope Leo XIII regarding all of this, His Holiness approved the resolution of the Fathers. I, CAN. MANCINI, Notary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 252*]

FROM THE SACRED CONGREGATION OF THE INQUISITION, the faculty is granted to Bishops to issue a document of freedom to the wives of soldiers, who fought near Aduam in Africa, and of whom no trace remains. Most Blessed Father, the Bishop N. N., prostrate at the feet of the Holy See, reports that in his diocese, and elsewhere, there are not a few young women, ecclesiastically married to soldiers who participated in the battle of Aduam in Africa, and of whom no news has been received, despite the diligent investigations conducted by the Italian Government; and therefore, they are presumed to be dead. Now, these women are in relationship with other young men with whom they desire to unite in a legitimate marriage, and they request the document of freedom. The undersigned Bishop, fearing grave disturbances from the denial of such a document, especially the danger of a purely civil contract, humbly requests to know how he should proceed in this matter. Thursday, July 20, 1898. In the General Congregation of the Holy Roman Church and the Universal Inquisition, held by the Most Eminent and Most Reverend Cardinals, General Inquisitors, after the aforementioned requests were presented, and with the vote of the Most Reverend Consultors, the same Most Eminent and Most Reverend Fathers decreed: Provided that it concerns men who certainly participated in the battle of Aduam, and, after appropriate investigations, it cannot be undoubtedly ascertained whether the man has truly died, considering the special circumstances present in the case, and a valid presumption of death. The Ordinary may permit passage to other marriages. On Friday, the 22nd of the same month of July, in the usual audience granted by the Most Reverend Father Assessor of the Holy Office, after the Most Reverend Lord N. Leoni, Divine Providence, Pope XIII, had been informed of these matters, the Most Reverend Fathers approved the aforementioned resolution. I. CAN. MANCINI, Secretary of the Holy Roman Church and the Universal Inquisition.

[*Latin ed. p. 253*]

FROM THE SACRED CONGREGATION 253, A QUESTION: Whether a schismatic, sincerely disposed, can be absolved by a Catholic confessor. Thursday, July 20, 1898. The following case was presented to this Most Holy Congregation of the Sacred Roman and Universal Inquisition for examination: Boniface, living an arduous life as an apostolic missionary among the Eastern Schismatics, one day, while sitting in a court of justice, found him-

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self among others, Agatha, who humbly and earnestly requested that he hear her general confession. Boniface, agreeing to Agatha's request, heard her with the greatest patience and charity, and assisted her. But behold, as this good woman, with admirable order and precision, and also with fervent faith, humility, and a flood of tears, confessed her sins, she then added: "I have never confessed to my own priests, because they are steeped in bad morals and do not care at all for the sacramental seal, and finally, I beg the confessor to grant me absolution, so that I may, from now on, be able to worthily receive the Sacrament of the Eucharist in my own Church." Having heard these things, the confessor discovered that she was not, at least in body, within the bosom of the Catholic Church, and, not a little anxious, he pondered how he might, as a spiritual judge, make a favorable judgment for this good penitent. First, he questioned her about the principal articles of the faith, and found her sufficiently instructed; then, prudently, he inquired from her what she thought about the schism, and about the necessary faith and submission to the Catholic Church and to its visible Head. To this, she replied: "I am a Christian; I do not know what schism is; I recognize the true religion of Christ everywhere, in which I wish to live and die; certainly, it does not concern me to judge matters, which, as they have arisen from the priests, so may they also be reconciled among themselves with Christian charity." Therefore, the devout woman continued, "since tomorrow there will be a great gathering of the people at the altar with us for a special feast, I implore you, holy father, that since you have already heard my full confession, you now also absolve me, poor woman, from the sins of which I am most sorrowful, so that I, with a joyful heart, may be able to approach the sacred Synaxis."

[*Latin ed. p. 254*]

234 FROM THE SACRED CONGREGATION OF THE INQUISITION: Having admired the constancy of the woman, since he was certain of her good faith on his part, and on the other hand, fearing that a more extensive investigation might prove more harmful than beneficial to her, and wishing to do good, Boniface absolved Agatha, otherwise contrite and confessing. He also prevents her from receiving the Holy Eucharist through a schismatic minister, granting permission in silence for what he could not grant by himself, and knowing very well that the sacraments, rites, and prayers among the schismatics contain nothing that is not Catholic. Hence, the following questions arise: I. Can schismatics, who are in good faith, ever be absolved? II. Can they be granted, at least tacitly, to receive the sacraments in their own churches, and to participate in sacred functions? III. Did Boniface act rightly, and what is to be advised to him? Furthermore, in the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned doubts were proposed,

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and with the vote of the Most Reverend Consultors preceding, the same Most Eminent Fathers ordered that the following be written: To I: Since scandal cannot be avoided, No, except in the article of death; and then, after the scandal has been effectively removed. To II: No. To III: No: and it is advisable to the confessor that, with the permission of the penitent, he prudently and cautiously advise her. On Thursday, the 22nd of the same month of July, during the usual audience granted to the Reverend Father Assessor of the Holy Office, a report on all of this was presented to His Most Holy Lordship, Pope Leo XIII. His Most Holy resolution approved the decision of the Fathers. I. CANON MANCINI, Inquisitor of the Sacred Roman and Universal Inquisition, Noted: A doubt concerning pagans who practice polygamy, concerning whose true consent in contracting marriages there is no certainty. Most Blessed Father, the Apostolic Prefect of Niger Superior, humbly prostrates himself at Your Holy feet, and requests a resolution concerning the following case.

[*Latin ed. p. 255*]

FROM THE SACRED CONGREGATION OF THE INQUISITION 255: The difficulty in these cases arises when it is necessary to determine which is the first wife in a polygamous marriage. Indeed, according to customary practices, she is considered and treated as the first, whom the polygamist addressed (as is said here) in the presence of the others. However, it often happens that while the man is waiting for the first wife to reach the age of cohabitation, he seeks another wife, and while still legally married, he does not intend to maintain this first wife's position; rather, he makes it clear that she is his first wife "in the presence of others." And truly, when she enters the husband's home, at the age permitted, she holds the first place there by customary law, and during religious ceremonies, for example, she will prepare the meals, as if the husband were endowed with some dignity, she alone, among his wives, will participate in the rights of that dignity. The declaration, as in this case, is sometimes accompanied by ceremonies that carry with them the notion of a bond and, indeed, the invalidity of any subsequent union, which can easily be understood as a true marriage, while the girl is still "in the presence of others." But often, without ceremonies, without witnesses, without the notion of indissolubility, the same declaration is made, and it is not always certain whether it constituted or passed into a true marriage before the man's adherence to her, so that she is considered as a second wife, or rather, whether it was and remained merely a future betrothal. Given these circumstances, we humbly inquire whether, in every case, after all due diligence has been employed in the investigation, if it is not established that a marriage was contracted with the girl "in the presence of others" before the entry of another wife into the husband's home, she should be considered a legitimate polygamous wife, who is designated and treated as such by the natives; or rather, whether the

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rumors concerning her should be disregarded, and the one who was first married to the man should be given precedence. Thursday, August 17, 1898. In the General Congregation of the Holy Roman and Universal Inquisition, held by the Most Eminent and Most Reverend Lords Cardinals, Inquisitors General for the Faith and Morals, after the aforementioned requests were presented, and with the vote of the Most Reverend Consultors, the same Most Eminent and Most Reverend Fathers decreed: That precedence should be given to the marriage, whether consummated or not, celebrated first, to those "caere-"

[*Latin ed. p. 256*]

From the Sacred Congregation for the Inquisition, 256: After employing paternal admonitions, which, according to the common estimation of the region, sufficiently express the present consent of the contracting parties. However, if, after proper investigations, it is not established that the contracting parties or the girls in question have given their true and present marital consent; and therefore, the validity of the marriage, celebrated at an earlier time, is reasonably doubted, then, according to the provision of the decree of May 18, 1892, paragraph 2, which reads as follows: "If, after a diligent examination, a marriage is found to be valid with a woman who has already been baptized, the pagan, concerning whom in this case, are entirely bound to return to her. But if she has not been baptized, according to article 11, formula 1, it will be sufficient to inquire whether she wishes to be converted. If she does not wish to be converted, or if there is a serious doubt about the validity of the marriage with the baptized woman, they may marry anyone, provided that she is baptized, with a renewed consent." Subsequently, on the 19th of August of the same year, during a regular audience granted to the Reverend Father, the Assessor, after having reported all of these matters to His Most Holy Holiness, Pope Leo XIII, the Most Holy resolution of the Fathers was approved.

I. CANON MANCINI, S.R. and U. Inquisitionis Not.

From the Sacred Congregation for the Index of Prohibited Books: A question was proposed concerning the Constitution "Officiorum, ac munerum." Are Ordinaries, who, after examining a book, and having had their prior censorship denied, obligated to indicate to the author the reasons for the denial of permission to publish? The same Sacred Congregation ordered that the following be answered on September 1, 1898: Affirmative, if the book appears to be capable of correction or expurgation. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation for the Index of Prohibited Books, on September 3, 1898.

F. MARCOLINUS CICOGNANI, O.P., Secretary.

[*Latin ed. p. 257*]

257 APOSTOLIC CONSTITUTION OF HIS HOLINESS, POPE LEO XIII,

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concerning the laws, rights, and privileges of the Confraternity of the Most Holy Rosary. From the very beginning, by the secret counsel of Divine Providence, when we were raised to the supreme Chair of Peter, we have, upon beholding the needs of our times, striven to promote the salvation of souls, and to seek out those means by which the greatest good of the Church and the safety of the Catholic faith might be furthered. — Among these, our mind has turned, with eagerness, to the most Holy Mother, and to the restoration of the human race, to whom Catholics, in times of trouble, have always turned with confidence. Those who have placed their trust in her faith have testified to the benefits conferred upon them by her, among which many are known to have been obtained through that most excellent form of prayer, the Rosary, instituted and promulgated by the ministry of our predecessor, Pope DOMINIC. — Our predecessors, the Supreme Pontiffs, have not infrequently decreed that solemn honors should be rendered to the Virgin according to this rite. We, too, have emulated their efforts, and, having sufficiently considered the dignity and power of the Rosary, have, on several occasions, issued Encyclical Letters, most recently on September 12, 1883, urging the faithful to perform this salutary act of piety, publicly or in their own homes, and to join themselves to Marian Confraternities under this title. These matters, as well as others, were recently summarized in a letter dated September 5 of this year; and at the same time, we made known our intention to issue a Constitution concerning the rights, privileges, and indulgences enjoyed by those who have joined this pious Confraternity. Now, in order to fulfill our wishes, and in response to the requests of the General of the Order of Preachers, we issue this Constitution, setting forth the laws of this Confraternity, and also enumerating the benefits granted to it by the Supreme Pontiffs, so that this salutary institution may be governed perpetually. I. The Confraternity of the Most Holy Rosary has been established for the purpose of uniting many in fraternal charity through that most pious form of prayer, from which the Confraternity derives its name, for the praise of the Blessed Virgin and for her patronage.

[*Latin ed. p. 258*]

258 APOSTOLIC CONSTITUTION. Through prayer, it draws men to itself. Therefore, without seeking any profit or demanding money, it receives men of every condition, and binds them together through the sole recitation of the Rosary. Thus, while each individual contributes a small amount to the common treasury, they receive much in return. Furthermore, while each member, according to the statutes of the Sodality, fulfills his assigned portion of reciting the Rosary, he also embraces, in spirit and intention, the members of the same society, who multiply the same act of charity.

II. The Order of the Dominicans, which, from its very beginning, has been most devoted to the cult of the Blessed Virgin, was the author of

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the establishment and provision of Sodalities of the Most Holy Rosary, and claims, as a hereditary right, all that pertains to this kind of religious association. Therefore, let it be granted to the General Master alone to establish Sodalities of the Most Holy Rosary: in his absence, let his General Vicar proceed; and if the General Master dies or is otherwise unable, let the General Vicar of the Order proceed. Therefore, let no Sodality henceforth established enjoy any benefits, privileges, or indulgences, by which the Roman Pontiffs have strengthened a legitimate Sodality of this name, unless it obtains a diploma of establishment from the General Master or the aforementioned Vicars.

III. Those Sodalities of the Most Holy Rosary which, up to this time, have been established without the explicit letters of the General Master, should take care to obtain such letters within the space of one year; in the meantime, however (while they are laboring under this deficiency), We, with the authority of the Holy See, benignly declare that these Sodalities themselves, until such letters are issued, are to be considered as valid and legitimate, and are to participate in all privileges, benefits, and indulgences.

IV. To the Sodality being established in a designated church, let the General Master appoint, through his customary letters, a priest of his own Order: where a Convent of Dominican Sodalities is lacking, let another priest be accepted by the Bishop. Furthermore, let it not be permitted to the same General Master to commit the faculties with which he possesses, to Provincials, or to other priests of his own Order or of another Order or Institute, without limitation.

[*Latin ed. p. 259*]

APOSTOLIC CONSTITUTION 259: Revocation of the faculty granted by Blessed Pope Benedict XIII to the Masters of the Order (1), to generally delegate Provincial Superiors in overseas territories. However, considering the benefit of the matter, We grant that the superiors, vicars, and mission superiors of those same provinces may establish a certain number of sodalities, and they shall be obligated to render a precise account of them. V. A sodality of the Most Holy Rosary may be established in all churches and public chapels, to which access is freely open to the faithful, with the exception of monasteries and convents of women who live in common, as the Sacred Roman Congregations have often declared. Since it has been decreed by the Apostolic See that there should not be more than one sodality of the Most Holy Rosary in the same place, We reiterate this law and command that it be observed. However, at present, if, in any place, there happen to be more than one, duly constituted, sodalities, the Master General of the Order has the power to judge the matter with equity. As for large cities, more may be present in them, as has already been provided by indulgence, namely, sodalities of the Rosary, which are to be presented to the Master General for legitimate establishment by the Ordinaries (2).

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VI. Since there is no principal sodality of the Most Holy Rosary to which other smaller ones are aggregated, hence, any new association of this kind, by its very canonical institution, participates in all the indulgences and privileges that have been granted by this Apostolic See to other sodalities of the same name throughout the world. — It adheres to the church in which it is established. Although the privileges of the sodality pertain to the members, nevertheless, several indulgences are granted to those who visit its chapel or altar, as well as the privilege of the altar, which adheres to the place, and therefore, without a special Apostolic grant, it cannot be removed or transferred. Therefore, whenever a sodality, for any reason, should be moved to another church, new letters are requested from the Master General. If, however, the church is destroyed, a new (1) Constitution, dated May 26, 1727. (2) Sacred Congregation of Indulgences, dated May 20, 1896.

[*Latin ed. p. 260*]

260 A CONSTITUTION is to be erected either in the same place or in its vicinity, under the same title; and when the same location is chosen, all privileges and indulgences are transferred, without the need for the establishment of a new sodality. — However, if, after a sodality has been canonically established in a certain church, a convent of the Order of Preachers is built near that church, the sodality itself, as is just, shall be transferred to the convent. If, in any particular case, it should seem advisable to dispense with this law, the Master General of the Order shall have the power, according to his judgment and prudence, to provide appropriately; always safeguarding the integral rights of his Order.

VII. In addition to the decrees mentioned above, which pertain to the very nature and constitution of the sodality, there may be added provisions that appear to contribute to the good governance of the society. It is fitting for the members of the sodality to establish statutes, either those by which the entire society is regulated, or those by which certain members are encouraged to perform particular works of Christian piety, even with the offering of money, if they so desire, either regularly or occasionally. Furthermore, this variety should not prevent the members from acquiring indulgences, provided that they fulfill what has been prescribed by the Apostolic See for their benefit. However, such statutes must be approved by the diocesan bishop and remain subject to his authority; as is stated in the Constitution of Clement VIII.

VIII. The election of Rectors, who are indeed members of the sodality, shall bless the rosaries, and shall perform all the principal duties; and the Master General or his Vicar, as before, shall oversee this, with the consent of the local Ordinary, as is customary for churches under the care of the secular clergy. For the better preservation of the sodality, the Masters General shall appoint a priest as Rector, who is serving in a certain office or enjoying

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a certain benefit in the church where the sodality is to be established, and his successors shall likewise enjoy the same office or benefit. If, for any reason, such a priest is lacking, the bishops shall have the power, as has already been established by this Apostolic See (1), to appoint a parish priest for the time being.

(1) Sacred Congregation for Indulgences, January 8, 1861.

[*Latin ed. p. 261*]

CONSTITUTION APOSTOLIC 261 IX. When it seems either opportune or even necessary that a priest, in place of the legitimate rector, should inscribe names, bless crowns, and perform other duties pertaining to the rector's office, the Master General of the Order shall grant the rector the faculty of delegating, not generally, but in individual cases, another suitable priest to perform his duties, whenever he judges it fitting for a just reason. X. Furthermore, where a Rosary Sodality and its rector cannot be established, the Master General shall have the power to designate other priests who will gather the faithful, those eager to gain indulgences, into a closer Sodality, and to bless the Rosaries. XI. The formula for blessing the Rosary, or crown, which is sacred and has been prescribed from ancient times within the Order of the Dominican Sodalities and is included in the Roman Ritual, shall be retained. XII. Although at times other names may be legitimately inscribed, it is nevertheless desirable that that more solemn reception be strictly observed, which is usually held on Sundays at the beginning of each month, or on the major feasts of the Blessed Virgin. XIII. It is the duty of each Sodality, without incurring any penalty, to recite the Rosary each week with the meditation of fifteen mysteries. Furthermore, its genuine form shall be preserved, so that the crowns are joined together only in groups of five, ten, or fifteen grains; also, that no other form of Rosary be called by the name of Rosary; finally, that no other meditations be substituted for those that are customarily used for the contemplation of the mysteries of reparation, contrary to what has long been decreed by this Apostolic See, that is, that those who abstain from meditating on these customary mysteries shall not gain any indulgences from the Rosary (1). (i) Sacred Congregation of Indulgences, August 15, 1726.

[*Latin ed. p. 262*]

262 APOSTOLIC CONSTITUTION: The directors of Sodalities should diligently strive to ensure that, if possible, daily, or at least as frequently as possible, especially on the feasts of the Blessed Virgin, the Rosary be recited publicly before the altar of that same Sodality; retaining the custom which has been approved by this Holy See, so that each mystery may be recited in the following manner: the joyful mysteries on the second and fifth days; the sorrowful mysteries on the third and sixth days; and the glorious mysteries on Sundays, the fourth day, and on Saturdays (1). XIV.

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Among the pious practices of Sodalities, that solemn procession, for the honorable cause of the Mother of God, which is held on the first Sunday of each month, especially on the first of October, deserves first place; for it has been instituted for centuries, and has been commended by St. Pius V, mentioned among the laudable institutions and customs of Sodalities by Gregory XIII, and enriched with indulgences by many Popes (2). Let this kind of supplication, at least within the church, where the ravages of time do not permit it to be held outdoors, never be omitted, extending to all directors of the most holy Rosary Sodalities the privilege granted by Benedict XIII to the Order of Preachers, to transfer it to another Sunday, should some impediment prevent it on that very day (3). Where, however, due to the narrowness of the place and the large number of people, it cannot be conveniently conducted in the church itself, We grant an indulgence, so that, as the priest and his clergy go around the interior of the church for the sake of this pious supplication, the members present may enjoy all the indulgences attached to that supplication. XV. The privilege of the votive Mass of the most holy Rosary, so often confirmed to the Order of Preachers (4), is to be observed, and in such a way that not only Dominican priests, but also other priests, may offer it.

(1) Sacred Congregation of Indulgences, July 1, 1859, no. 5.

(2) St. Pius V, accustomed to do so, September 17, 1569; Gregory XIII, Apostolic Monition, April 1, 1573; Paul V, Piorum hominum, April 15, 1608.

(3) Constitution, Pretiosus, May 26, 1727, I, 18.

(4) Sacred General Council, June 25, 1622; Clement X, Caelestium munerum, February 16, 1671; Innocent XI, Nuper pro parte, July 31, 1679, chapter X, paragraphs 6 and 7; Pius IX, in Summarium Indulg., September 18, 1862, chapter VIII, paragraphs 1 and 2.

[*Latin ed. p. 263*]

APOSTOLIC CONSTITUTION 263 concerning certain indulgences, by which the General Superior may lawfully grant the brethren of the Order the power to use the Missal, that they may celebrate the votive Mass "Salve, Radix Sancta," twice a week, according to the decrees of the Holy Congregation of Rites. To other priests admitted to the Sodalitas, the right shall be granted to celebrate only votive Masses, those which are read in the Roman Missal according to the diversity of times, on the same days and with the same indulgences as mentioned above. The members of this Sodalitas shall also participate in these indulgences if they are present at the Holy Sacrifice, and if their sins have been duly expiated, either through confession or through sorrow of mind with the intention of confessing, they shall offer devout prayers to God.

XVI. With the utmost care and diligence, the General Superior shall, as soon as possible, prepare a complete index of all the indulgences which

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the Roman Pontiffs have granted to the Sodalitas of the Most Holy Rosary, and to other faithful who recite it devoutly, and shall submit it to the Sacred Congregation for Indulgences and Sacred Relics to be examined and confirmed by Apostolic authority. Therefore, whatever has been decreed, declared, and sanctioned in this Apostolic Constitution, We wish and command to be observed by all to whom it pertains, and that it cannot be noted, infringed, or brought into controversy by anyone, even for a privileged reason, under any pretext or name; but that it shall have its full and complete effect, notwithstanding the foregoing, and, as the need arises, in accordance with Our own regulations and those of the Apostolic Chancery, Urban VIII and other Apostolic Constitutions, even those published in provincial and general councils, as well as any statutes, customs, and prescriptions that have been confirmed by Apostolic authority or strengthened in any other way: all of which, for the effect of the foregoing, We expressly and specially derogate and abolish, and We will that all others who do the contrary shall be nullified.

Given at Rome, at Saint Peter's, on the Lord's Day, in the year one thousand eight hundred and ninety-eight, on the sixth day before the Kalends of October, in the twenty-first year of Our Pontificate.

C. CARD. ALOISI-MASELLA, Pro-Dat.

A. CARD. MACCHI.

[*Latin ed. p. 264*]

264 Letters from His Holiness Pope Leo XIII to the Minister General of the Order of Friars Minor concerning the following of the doctrine of the holy Thomas Aquinas. Our will towards the Friars Minor, already demonstrated by past events, has spurred us to consider and decide upon matters that will be most beneficial to you, and now moves us to carefully examine the course of your affairs and the entire discipline. For we desire nothing more than that the Franciscan Order, especially given its merits and its venerable name, may flourish without interruption, and that, with God's help, it may grow in the common observance of laws, virtues, and the best studies; and that it may, indeed, not seek its own advantage alone, but may bring forth fruit and benefit to all men through its doctrine, virtue, and wisdom. Therefore, it has seemed useful to address certain matters in these letters. To you, who hold the highest office in the Order, we wish to call your attention, with diligence, to these matters, according to your prudence. Our Encyclical Letters, *Aeterni Patris*, sufficiently demonstrate the path to be followed in the study of the disciplines of the ancients. To depart rashly and recklessly from the wisdom of the Angelic Doctor is contrary to our will and is fraught with danger. Indeed, the paths of human thought are ever changing, and knowledge of things and doctrine are increased by almost

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daily additions: but who would not wish to use wisely those things which the learning and labor of recent times have produced? Nay, rather, let them readily embrace what is right, what is useful, what does not contradict the truth divinely revealed; but those who truly wish to philosophize, and especially religious men, ought above all to lay the foundations of doctrine in Thomas Aquinas. If this is neglected, in such a license of intellect, there is great danger of falling into the excesses of opinion and of being gradually afflicted by the very plagues of rationalism, and this, indeed, is what has happened and is testified by events. What, then, would happen if such a thing were to befall those whose duty it is to guide the eager youth entering the religious profession? Therefore, let the name of the blessed Francis be held sacred by all his disciples; and let them truly not follow a leader whom Jesus Christ himself testified to have written well of him. Then, there is nothing that is of such importance to the Christian faith as to explain, thoroughly and faithfully, as is fitting, the volumes written under the inspiration of the Divine Spirit. Care and diligence must be taken.

[*Latin ed. p. 265*]

LITTERAE 265. It is a matter of such great importance that nothing, not only pride, but even levity of spirit or imprudence, should offend: and therefore, greater weight ought to be given to certain new opinions, not because they are new, but because they often deceive with a certain appearance and semblance of truth. This began with Adam, who, under the pretext of the most daring and immoderate freedom of interpretation, dared to introduce things which he had no right to introduce. Sometimes, even those who claim the name of Catholic are favored, whose lack of judgment is clearly demonstrated by the sacred Scriptures, which they corrupt. Such an evil will become something greater than any opinion, unless it is quickly addressed. Indeed, the words of God demand from their interpreters sound and prudent judgment: which can in no way be such, unless it is accompanied by due reverence and modesty of spirit. Let those who treat of divine books understand and seriously consider this; and let them remember that they have nothing to fear in these studies, provided they listen to the Church as they ought. And we ourselves, through these Letters, have taught, as Providentissimus Deus has shown, what is the mind of God on this matter, and what the Church desires. To neglect the precepts and documents of the Supreme Pontiff is permitted to no Catholic. Closely connected with the knowledge and right understanding of the Scriptures is the duty to engage in the ministry of the word in a holy and useful manner. You, therefore, as much as you can, by vigilance and effort, must prevent any vice from adhering to your members; but strive to encourage and perfect, as the Sacred Council, not many years ago, warned and commanded in its letters, that all things should be preserved inviolably. The end of sacred eloquence is the salvation of those who hear it; therefore, to deliver

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precepts, to expose vices, and to explain the mysteries necessary for the understanding of the people, is the highest duty. Nothing in the preaching of the Gospel is more offensive than to speak of foreign things, or to take up a subject for explanation that is of little importance, or idle, or too lofty: for in this way, although it may please the ears for a time, nothing of what was desired is achieved, and the multitude departs empty. Those who are to approach the sacred ministry should strive to enlighten, to persuade, and to convert souls to a better life: which they cannot achieve, unless they employ diligent preparation. Therefore, concerning your members, whoever undertakes this ministry, you must see to it that each one instructs and adorns himself, before...

[*Latin ed. p. 266*]

266 Let the writings address, with necessary aids and supports, the study of things and people; with knowledge of theology, the art of speaking, and, above all, with the observance of their duties and the innocence of life: for he who calls others to the duties of virtue rightly and fruitfully, must himself live with virtue, and he who can easily expose morals, as it were, in a mirror, to the multitude. But we have greatly strengthened your beneficial virtue, as we said elsewhere, extending it beyond the confines of monasteries, and making it flow more widely for the common good. It is well known from the blessed Father Francis and from his most excellent disciples, that they were accustomed to give themselves entirely to the people, and to work with keen diligence for the public good. Now, consider the times and the people: you will plainly find that it is fitting for you to repeat this institution, and to imitate with zeal the examples and customs of former times. For if, at any time, the salvation of the states depends in a large part on the people, then it is the duty of both orders of clerics to teach, to warn, and to console the multitude, who are often beset not only by poverty and labors, but also by dangers and perils on all sides. And we ourselves, when we sent encyclical letters to the Bishops concerning the Sect of the Freemasons, concerning the condition of the workers, concerning the principal duties of Christian citizens, and on other similar matters, we did so primarily for the benefit of the people, so that they might know their rights and duties, and learn to take care of themselves and to consult properly for their own salvation. Moreover, the Third Order of Franciscans offers no small opportunity for the common good: for if it has been able to stir up the spirit of Christians, and to foster the love of virtue and the arts of piety, if it has often contributed to gentleness, concord, and tranquility in turbulent times, what, then, could prevent it from renewing the old abundance of similar benefits? Certainly, the studies of men will be moved to greater things if there are a greater number of industrious preachers and helpers: those who strive to spread the association, who bring to light its nature, its mild laws, and its

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hoped-for benefits; and who do so through preaching, published writings, frequent meetings, and, in short, through every means that may seem suitable. In this, you have certainly never been inactive, nor are you now: but remember that constant care and progressive study are required of you: for those from whose bosom a salutary institution has sprung forth, ought above all to strive for its preservation and propagation.

[*Latin ed. p. 267*]

LETTERS, 267. The number of these good and virtuous individuals, which we commend to you with the greatest care, is now greater, for the Order of La Ferté has gained strength and vigor, united as one body. May the stability of concord, mutual charity, and the common pursuit of service and discipline be added through divine grace and benefit; may those who hear this strive daily to progress in virtue, and may they always keep in mind that nothing is more harmful to a religious man than a wandering mind, loose and frivolous, or being carried away by thoughts beyond the confines of the monastery. May those advanced in years impart an example of perseverance to others; and may they readily conform to those things which were not long ago established for the Order of the Minorites, not burdened by them, for they are established by legitimate authority and for the good of all; and may all embrace them with all their heart, so that through good works, you may demonstrate the certainty of your vocation and election. We impart to you and to all the Apostolic Minorites our paternal blessing, a testament to the benevolence of divine gifts and of Our own. Given in Rome, at St. Peter's, on the twenty-fifth day of November, in the year 1898, in the twenty-first year of Our pontificate. LEO XIII, POPE.

FROM THE CONSISTORY ACTS OF THE CONSISTORY HELD ON NOVEMBER 28, 1898. ADDRESS OF HIS HOLINESS POPE LEO XIII. Venerable Brothers, Before I refer to the matter today before the esteemed College concerning the creation of other Bishops, and the appointment of certain Eastern Patriarchs, the authority of the apostolic office is required. Indeed, the Syrian Church of Antioch has been without its Patriarch for more than twelve months, since the venerable Brother Ignatius Benham Benni, in his fifth year in that dignity, was taken from among the living. Therefore, in order to designate Bishops of the Syrian rite...

[*Latin ed. p. 268*]

268 FROM THE CONSISTORY ACTS, it was necessary to determine which person should succeed in that place. And since, for this reason, they had duly convened in the patriarchal temple of Mardin, dedicated to the Immaculate Virgin Mary, for a synod, on the ninth day of October of the preceding year, they offered the patriarchal dignity with all votes to the venerable brother Dionysius Ephraem Rahmani, Archbishop of

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Aleppo of the Syrians, who, following the example and custom of his predecessors, took the name Ignatius. When this became known, the Catholics, according to the Syrian rite, openly congratulated him, with the consent and approval of the others; for the piety and doctrine of this man are well known, combined with episcopal zeal. Soon after, the Bishops who had attended the synod and the voting, implored Us to grant the elected Patriarch the sacred pallium. The Patriarch himself requested this, after having professed the Catholic faith according to the customary formula of the Orient, and, as it were, having said the words. But We, considering what they requested, deemed it necessary; and We do so all the more gladly, because We know that this excellent man will certainly fulfill the high office with integrity and wisdom, and will be of great counsel and great service to the Syrian community, especially in these times. What do you think? By the authority of Almighty God, and of the holy Apostles Peter and Paul, and Ourselves, We approve the election or proposal made by the venerable Syrian Bishops regarding the venerable brother Dionysius Ephraem Rahmani, as far as any impediment may have existed, and We declare it valid; and We release him from the bond by which he was bound to the Church of Aleppo of the Syrians, and We raise and promote him to the Patriarchal Church of Antioch of the Syrians, with all the privileges with which his predecessors have been accustomed to be adorned by this Apostolic See, and We constitute and declare him Patriarch and Pastor of the Syrians, as will be indicated in the consistorial decree and document, notwithstanding any contrary provisions. In the name of the Father, and the Son, and the Holy Spirit. Amen. With these words spoken, the following churches were presented: The Patriarchal Church of Antioch of the Syrians, vacant through the death of the Most Blessed Ignatius Behnam Benni, the last Patriarch of that Church, who died outside the Roman curia, in favor of the Most Reverend Dionysius Ephraem Rahmani, Archbishop of Aleppo of the Syrians; who was elected by the Catholic prelates of the same rite, in the Syrian Patriarchal Church of the Immaculate Conception of the Mother of God in Mardin, presided over by the Most Reverend Henry.

[*Latin ed. p. 269*]

FROM THE CONSISTORY ACTS 269: Altmayer, Archbishop of Babylon, and Apostolic Delegate in Mesopotamia and other regions, was elected and appointed, and, following the custom of his predecessors, took the name Ignatius. Reverend Father Ephraem Rahmani, Archbishop of Alep, born to Catholic parents in the city of Mossul, is fifty-one years of age. He devoted himself so diligently to the study of literature and sciences in the Pontifical Urban College that he obtained a doctorate in philosophy and theology. The titular archbishopric of Cyrenaica is vacant, by succession of Reverend Father Ludovici Nazarii Begin to the Metropolitan See of Quebec,

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with the favor of Reverend Father Felicis Gialdini, Bishop of Montepulciano. The Metropolitan Church of Julia Caesarea, or Algiers, is vacant, due to the death of the Very Reverend Prosper Augusti Dusserre, the last Archbishop of that see to die outside of Rome, with the favor of Reverend Father Friderici Henrici Oury, Bishop of Dijon, for the nomination of the most illustrious Felis Faure, President of the French Republic. The titular archbishopric of Seleucia in Isauria is vacant, certainly, with the favor of Reverend Father Antonii Mariae De Lorenzo, Bishop of Miletus. The titular archbishopric of Ancyra is vacant, due to the translation of Reverend Father Iulii Vaccaro to the Metropolitan See of Bari, with the favor of Reverend Father Iacobi Merizzi, Bishop of Vigevano. The cathedral church of Saint Paul in Brazil is vacant, due to the promotion of Reverend Father Ioachimi Arcoverde de Albuquerque Cavalcanti to the Metropolitan See of Saint Sebastian of Fluminian, with the favor of Reverend Father Antonii Candidi de Alvarenga, Bishop of Saint Louis of Maragnano. The cathedral church of Gadiz, to which the Church of Septen is united, is vacant, due to the death of the Very Reverend Vincentii Calvo et Valero, the last Bishop of that see to die outside of Rome, with the favor of Reverend Father Iosephi Mariae Ranees et Villanueva, titular Bishop of Dora and Prior of Cluny, for the presentation of the Most Serene Queen of the Catholics, Regent. The cathedral church of Sallilen in Mexico, within the jurisdiction of North America, is vacant, due to the translation of Reverend Father Iacobi Garza Zambrano to the Cathedral See of Leon, with the favor of Reverend Father Mariae Portugal, of the Order of the Minor Franciscans, Bishop of Sinaloa. The cathedral church of Guernavacen, within the jurisdiction of Mexico in North America, is vacant, due to the death of the Very Reverend Fortini Hyppoliti Vera, the last Bishop of that see to die outside of Rome, with the favor of Reverend Father Francisci Planearte, Bishop of Campeche. The titular episcopal see of Dora, in Palestine, to which the Priory of the four Military Orders of Saint James, Alcantara, Calatrava, and Montesa, erected and established in the city of Cluny, "Ciudad Real," is permanently and canonically attached, is vacant, due to the translation of Reverend Father Iosephi Mariae Ranees et Villanueva to the Cathedral See of Gadiz, with the favor of Reverend Father Casimiri Pinera et Naredo, titular Bishop of Anchialus and Apostolic Administrator of Barbastro, for the nomination, by virtue of an Apostolic Indult granted to the Most Serene Queen of the Catholics, Regent. The cathedral church of Dijon is vacant, due to the promotion of Reverend Father Friderici Henrici Oury to the Metropolitan See of Julia Caesarea, or Algiers, with the favor of Reverend Father Alberti Leonis Le Nordez, titular Bishop of Archis. The cathedral church of Brictinorien is vacant, due to the death of the Very Reverend Ludovici Leonardi, the last Bishop of that see to die outside of Rome, with the favor of Reverend

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Father Friderici Polloni, a priest of the diocese of Brictinorien.

[*Latin ed. p. 270*]

270 FROM THE CONSISTORY ACTS: The Cathedral Church of Ästen is vacant, due to the death of the Most Reverend Joseph Ronco, the last Bishop of that See who died outside the Roman Curia, by the favor of the Reverend Father Hyacinth Arcangeli, a priest of the Bergomensis diocese. The Reverend Father Hyacinth Arcangeli, born of legitimate, Catholic, and honorable parents in the place called Sarnico in the Bergomensis diocese, having surpassed his sixty-fifth year, had previously been awarded a doctorate in sacred theology and in both civil and canon law. The Cathedral Church of Oppido is vacant, due to the death of the Most Reverend Anthony Mary Curcio, the last Bishop of that See who died outside the Roman Curia, by the favor of the Reverend Dominic Scopelliti, a priest of the archdiocese of Reggio. Dominic Scopelliti, born of legitimate, Catholic, and honorable parents in the place commonly called Cafona in the archdiocese of Reggio, and having reached his fifty-eighth year, has resigned from his position as a foreign vicar and president of the collation of questions in moral theology. The Cathedral Church of Monte Polizio is vacant, due to the promotion of the Reverend Father Felix Gialdini to the titular archiepiscopal See of Cyrenaica, by the favor of the Reverend Joseph Batignani, a priest of the archdiocese of Siena. He, born in the place commonly called Buonconvento in the archdiocese of Siena, and having reached his forty-third year, having previously been awarded a doctorate in sacred theology, served as a professor of both rational philosophy and the Greek language in the seminary of Montalcino. The Cathedral Church of Vigliano is vacant, due to the promotion of the Reverend Father James Merizzi to the titular archiepiscopal See of Ancyra, by the favor of the Reverend Peter Berruti, a priest of the Derthonensis diocese. He, having surpassed his fifty-seventh year, having previously been awarded a doctorate in sacred theology, has served in his diocese as a regional president, synodal examiner, and visitation commissary. Formerly a parish priest and foreign vicar in the place commonly called Broni in the same Derthonensis diocese, he founded and governed several Catholic societies. The Cathedral Church of Agrigento is vacant, due to the death of the Most Reverend Caietan Blandini, the last Bishop of that See who died outside the Roman Curia, by the favor of the Reverend Bartholomew Lagumina, a priest of the Panormitani diocese. He, having reached his forty-ninth year, having previously been awarded a doctorate in sacred theology, resigned from his position as a professor of Arabic in the supreme university, and has now assumed the duties of assessor of the archiepiscopal curia, pro-synodal examiner, and canon theologian of the metropolitan church. The Cathedral Church of Caltanissetta is vacant, due to the death of the Most Reverend Xavier Gerbino, the last Bishop of that See who died outside the Roman Curia, by the favor of the

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Reverend Damasus Pius De Bono, a priest of the Agrigento diocese. He, born in the city commonly called Bivona in the Agrigento diocese, and having surpassed his forty-eighth year, has been elected archpriest, pro-synodal examiner, canon of the Agrigento Cathedral, and rector of the diocesan seminary. The Cathedral Church of Lipari is vacant, due to the death of the Most Reverend John Peter Natoli, the last Bishop of that See who died outside the Roman Curia, by the favor of the Reverend Nicholas Audino, a priest of the Caltanisiadensis diocese. He, born in the place commonly called Vallelunga-Pratameno in the Caltanisiadensis diocese, and having reached his thirty-seventh year. Having completed his studies in the esteemed Capranica College in Rome, he was previously awarded a doctorate in sacred theology and in canon law, and currently serves as a foreign vicar and diocesan pro-synodal examiner.

[*Latin ed. p. 271*]

FROM THE CONSISTORY ACTS 271. The Cathedral Church of Andegavensis is vacant, due to the death of the Most Reverend Aloysius Julius Baron, the last Bishop of that See outside the Roman Curia, with the favor of the Reverend Joseph Rumeau, a priest of the Diocese of Aginnensis, for the nomination of the most illustrious man, Felix Faure, President of the French Republic. The Reverend Joseph Rumeau, born of legitimate, Catholic, and honorable parents in the place commonly called Tournon, in the Diocese of Aginnensis, and having reached the fiftieth year of his age, has been promoted to the offices of Honorary Canon of the Cathedral Church and General Vicar of the same Diocese of Aginnensis. The Cathedral Church of Baiocensis is vacant, due to the death of the Most Reverend Anthony Abel Hugonin, the last Bishop of that See outside the Roman Curia, with the favor of the Reverend Leo Adolphus Amette, a priest of the Diocese of Ebroicensis. The Reverend Leo Adolphus Amette, born of legitimate, Catholic, and honorable parents in the place commonly called Douville, in the Diocese of Ebroicensis, and having reached the forty-ninth year of his age, has renounced his present office as General Vicar in spiritual matters for that city and diocese. The Cathedral Church of Constantien, in the Province of Rothmagen, is vacant, due to the death of the Most Reverend Abel Anastasius Germain, the last Bishop of that See outside the Roman Curia, with the favor of the Reverend Father Joseph Guérard, a priest of the Diocese of Briocensis. The Reverend Joseph Guérard, born of legitimate, Catholic, and honorable parents in the place commonly called Loudeac, in the Diocese of Briocensis, and having reached the fifty-third year of his age, has held the offices of Professor in the Seminary of Rhedonensis and Secretary of that Archiepiscopal Curia. Subsequently, he has renounced his title as Canon of the Metropolitan Church of Rhedonensis. The Cathedral Church of Rotienburgen has been filled, with the favor of the Reverend Paul Keppler, a priest of the Diocese of Rottenburgensis, elected or pro-

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posed by the Reverend Fathers, the Chapter and Canons of Rottenburgensis. Paul Keppler, born of legitimate and honorable parents in the place commonly called Gmünd, in the Diocese of Rottenburgensis, and having surpassed the forty-sixth year of his age, having recently been awarded a doctorate in sacred theology, first held the office of Vicar in his homeland, and then served as a Repetitor in the Seminary of Thubingae. Afterwards, he held the office of Professor of sacred theology, first at the University of Thubingen and then at Freiburg, until the present time. The Cathedral Church of Oranen is vacant, due to the resignation of the Reverend Father Gerald Soubrier, freely and spontaneously carried out and accepted by His Holiness, with the favor of the Reverend Edward Adolphus Cantei, a priest of Massiliensis, for the nomination of the most illustrious man, Felix Faure, President of the French Republic. The Reverend Edward Adolphus Cantei, born of legitimate, Catholic, and honorable parents in Massilia, and having surpassed the sixty-second year of his age, has held the office of Vicar of the Parish of Saint Sulpicius in Paris; then successively, he was Vicar of the Parishes of Saint Roch and Saint Vincent de Paul, and finally, he was the Parish Priest of Saint Dionysius of the Most Holy Sacrament in the City of Paris, until the present time. The Cathedral Church of Sinaloa, in the territory of Mexicana in Americae, is vacant, due to the translation of the Reverend Father Joseph Maria Portugal to the Cathedral See of Saltillensem, with the favor of the Reverend Joseph Homobonus Anaya, a priest of the Archdiocese of Guadalaxarensis. Joseph Homobonus Anaya, born of legitimate, Catholic, and honorable parents in the town commonly called Peguero, in the Archdiocese of Guadalaxarensis, and having reached the sixty-second year of his age, having been awarded a doctorate in sacred theology, has held the offices of Rector of the archdiocesan Seminary and Canon penitentiary of the Metropolitan Church, until the present time.

[*Latin ed. p. 272*]

272 FROM THE CONSISTORY ACTS: The Cathedral Church of Tulancingo in the Mexican territory of North America is vacant, due to the death of the Reverend Monsignor Joseph Maria Armas, the last Bishop of that see outside the Roman Curia, with the favor of the Reverend Father Maximian Reynoso and del Corral, a priest of the Leonensis diocese. The Reverend Father Maximian Reynoso and del Corral, born of legitimate, Catholic, and honorable parents in the town commonly called Silao in the Leonensis diocese, having reached the age of fifty-eight, has for many years fulfilled the office of Professor of Canon Law at the University of the city of Guanajuato, and then as a Canon in the Cathedral Church of Leonensis. The Cathedral Church of Yucatan in the Mexican territory of North America is vacant, due to the death of the Reverend Monsignor Crescentio Carillo and Ancona, the last Bishop of that see outside the Roman Curia, with the favor of the Reverend Father Joseph Alva, of the Order of the

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Minor Friars, a priest of the archdiocese of Guadalajara. The Reverend Father Joseph Alva, born of legitimate, Catholic, and honorable parents in the town of La Union in the archdiocese of Guadalajara, having reached the age of fifty-eight, has for many years fulfilled the office of parish priest in the town of Jerez, and then resigned as General Commissary of the Order of Saint Francis in the Mexican Republic and as parish priest of the town commonly called Asientos in the aforementioned diocese of Zacatecas. The titular Episcopal Church of Selymbria, under the Archbishop of Heraclea, is vacant, due to the death of the Reverend Monsignor Edward Angerer, the last Bishop of that see outside the Roman Curia, with the favor of the Reverend Father Salvator Gaffiero, a priest of the Melitensis diocese, who was also appointed as an Auxiliary to the Reverend Father Peter Pace, Archbishop and Bishop of Melitensis. The Reverend Father Salvator Gaffiero, born of legitimate, Catholic, and honorable parents in the place commonly called Senglea in the Melitensis diocese, and having reached the age of seventy-one, has resigned from the office of Canon of the Cathedral Church and as General Vicar of the Apostolic Administrator of Melitensis. The titular Episcopal Church of Domitiopolitan, under the Archbishop of Seleucia, is vacant, due to the translation of the Reverend Father Joseph Raymond Quesada and Gascon to the Cathedral See of Segovia, with the favor of the Reverend Father William István, a priest of the Sabariensis diocese, who was also appointed as an Auxiliary to the Reverend Father Cornelius Hidasy, Bishop of Sabariensis. The Reverend Father William István, born in the place commonly called ZalaEgerszeg in the Sabariensis diocese, and having reached the age of fifty, has been promoted to the office of Professor of Moral and Pastoral Theology in the seminary, as well as Assessor of the Episcopal Consistory, Secretary, and Synodical Examiner. He has also been promoted to the office of Canon of the Cathedral Church of Sabariensis and to the titular office of Saint Peter. The Church of Dioden is vacant, due to the promotion of the Reverend Father Anthony Maria De Lorenzo to the titular Archbishopric of Seleucia in Isauria, with the favor of the Reverend Father Joseph Morabito, a priest of the Rheginensis diocese. The Reverend Father Joseph Morabito, born of legitimate, Catholic, and honorable parents in Rhegio July, and having surpassed the age of forty, having been granted a doctoral degree in sacred theology, and acting as a paternal predecessor in the seminary of sacred theology, philosophy, literature, and history, has undertaken the direction of several pious institutions as spiritual director. The Metropolitan Church of Lima, in the Peruvian region of South America, is vacant, due to the death of the Reverend Monsignor Emmanuel Anthony Bandini, the last Archbishop of that see outside the Roman Curia, with the favor of the Reverend Father Emmanuel Tovar, titular Bishop of Marcopolitani. The Metropolitan Church of Friburgen, in the Grand Duchy of Baden, is still vacant, due to the death of the Reverend Monsignor John Christian Roos,

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the last Archbishop of that see.

[*Latin ed. p. 273*]

273 FROM THE CONSISTORY ACTS, the following sees vacant outside the Roman Curia: the See of Lycia, vacant due to the death of the Most Reverend Aloysius Zola, the last Bishop, outside the Roman Curia, favored by the Reverend Father Evangelista Di Milia, of the Order of the Capuchin Minor Friars, Bishop of Cassano all'Jonio; the Cathedral Church of Arequipa in the Peruvian region of America, vacant due to the death of the Most Reverend John Mary Ambrose Huerta, the last Bishop, outside the Roman Curia, favored by the Reverend Father Emmanuel Second Ballon, titular Bishop of Germaniciana; the Cathedral Church of Gallipoli, vacant due to the promotion of the Reverend Father Henry Carfagnini to the titular Archiepiscopal Church of Caia, favored by the Reverend Caietan Mulier, a priest of Naples. The Reverend Caietan Mulier, born in Naples to legitimate, Catholic, and honorable parents, and having reached the forty-ninth year of his age, was elected as Successor to the Archdiocesan Visitor, Neapolitan Clergy Secretary, Examiner, and Revisor in the Archiepiscopal Lyceum of Sacred Theology, and subsequently elected Prefect of the Theological Circle. The Cathedral Church of Fulda, vacant due to the promotion of the Reverend Father George Ignatius Komp to the Metropolitan See of Freiburg, who recently passed away, favored by the Reverend Albert Endert, a priest of the diocese of Fulda, elected or nominated by the Chapter and Canons of Fulda. The Reverend Albert Endert, born in the place commonly called Setzelbach in the diocese of Fulda, to legitimate, Catholic, and honorable parents, and having surpassed the forty-seventh year of his age, has recently resigned from the office of Dean of the city. The Cathedral Church of Limburg, vacant due to the death of the Blessed Memory of Charles Klein, the last Bishop, outside the Roman Curia, favored by the Reverend Father Dominic Martin Charles Willi, a priest of the diocese of Coire, of the Sacred Order of Cîteaux, elected or nominated by the Chapter and Canons of Limburg. The Reverend Father Dominic Martin Charles Willi, born in the place commonly called Ems in the diocese of Coire, to legitimate, Catholic, and honorable parents, and having reached the fifty-fifth year of his age, was received into the Cistercian Order, and has held the offices of Rector and Professor of ecclesiastical history in the College of Saint Bernard in Reichenau. The Cathedral Church of Majorca, to which, by Apostolic Letters entitled "Ad Vicariam," the Church of Ibiza is united, is vacant due to the death of the Blessed Memory of Hyacinth Mary Cervera and Cervera, the last Bishop, outside the Roman Curia, favored by the Reverend Father Peter John Campins and Barcelo, a priest of Majorca. The Reverend Father Peter John Campins and Barcelo, born in Palma in the diocese of Majorca, to legitimate, Catholic, and honorable parents, and

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having reached the fortieth year of his age, having previously received a doctorate in sacred theology, served for several years as a parish priest in the place commonly called Porrera; until he recently assumed the office of Canon in the Cathedral Church of Majorca. The Cathedral Church of Saint Charles in Ancudia, in the Republic of Chile, America, Volume XXXI, page 365.

[*Latin ed. p. 274*]

274 FROM THE CONSISTORY ACTS of the Southern Province, the see of Callinicum, vacant due to the death of the Most Reverend John Augustine Lucero, the last Bishop of that see to die outside the Roman Curia, is conferred upon the Reverend Raymond Angel Lara, a Priest of Saint James of Chile. The Reverend Raymond Angel Lara, born of legitimate, Catholic, and honorable parents in the city of Saint James of Chile, and having reached the forty-sixth year of his age, has been appointed Professor of Canon Law at the Catholic University of that city, and has also been elected Director of the Orphanage and of the Convent of Saint John the Evangelist. He has previously and duly discharged the office of Ecclesiastical Governor in the city of Valparaiso. The titular Episcopal Church of Cymaen, under the Archbishop of Ephesus, is vacant, due to the assignment of the titular see of Saint Prisca to the Most Reverend and Right Reverend Aloysius, Cardinal Prefect of the Congregation for Bishops, now deceased, and is conferred upon the Reverend Paschal of Siena, a Priest of Naples. The Reverend Paschal of Siena, born of legitimate, Catholic, and honorable parents in Naples, and having reached the fifty-ninth year of his age, has published several works on sacred theology, highly praised; he has also held the offices of Predecessor in Moral Theology and President of Discipline at the Archdiocesan Lyceum, as well as Moderator of the pious institution for girls commonly called Gran Trionfo. He has also served as Examiner for the Neapolitan clergy, Visitator of the archdiocese, and Minor Penitentiary of the Metropolitan Church, having recently resigned. The titular Episcopal Church of Cymaen, under the Archbishop of Ephesus, is vacant, due to the promotion of the Reverend Doctor Horatius Mazzella to the Archiepiscopal See of Rossano, and is conferred upon the Reverend Joseph Cigliano, a Priest of Naples. The titular Episcopal Church of Belcen, under the Archbishop of Philippopolis, is vacant, due to the death of the Most Reverend Peter Dufal, the last Bishop of that see to die outside the Roman Curia, and is conferred upon the Reverend John Nepomucene Terrero, a Priest of Buenos Aires. The Reverend John Nepomucene Terrero, born of legitimate, Catholic, and honorable parents in the city of Buenos Aires, and having reached the forty-eighth year of his age, was admitted among the students of the College of the Holy Spirit in Rome, and has recently been awarded a doctorate in Canon Law; he has previously served as a parish priest, and has also been elected Spiritual Director of nuns,

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Judge in matrimonial causes, Promoter of the Sacred Court, and Archdiocesan Secretary. He has recently resigned from the offices of Canon of the Metropolitan Church of Buenos Aires, and of Provisor and General Vicar of that archdiocese. The titular Episcopal Church of Claudiopolitan, under the Archbishop of Seleucia, is vacant, due to the death of the Most Reverend Joseph de La Reta, the last Bishop of that see to die outside the Roman Curia, and is conferred upon the Reverend John Anthony Ruano Martin, a Priest of the Diocese of Salamanca. He was ordained in Polytae in sacred theology, and has served as Rector of the Athenaeum at Calatrava and as Archpriest and Parish Priest of the place called Alba de For'mes in the Diocese of Salamanca, until recently. After these appointments, the Holy See has also indicated the following sees, which had previously been provided for by Apostolic Letters in the form of a Brief: ARCHBISHOPS of Anagarb, Nuntius of Arpiar, Agra, Charles Gentili of Regiopolis, and Charles Gauthier.

[*Latin ed. p. 275*]

275 FROM THE ACTS OF CONSISTORY: The Bishop of Pembrokeshire, Narcissus Lorrain; the Bishop of Trincomalee; Charles Lavigne, the Bishop of Menevia; Francis Martyn, the Bishop of Vancouver; Alexander Christie, the Bishop of Comor; in America; John Cunningham, the Bishop of Gerald; Bernard Kelly, the Bishop of Balanea; Anthony Condert, the Bishop of Obba; Francis Corbert, the Bishop of Oropesa; Edmund Luypen, the Bishop of Thauma; John Simon, the Bishop of Zaraite; Jerome Van Aertselaer, the Bishop of Issen; Dominic Murray, the Bishop of Ascalon; Alexander Canal, the Bishop of JBarbolissen; Paul Ferrant, the Bishop of Bagé; Francis Fogolla, the Bishop of Cymaeus; Joseph Cigliano. FROM THE HOLY CONGREGATION OF THE COUNCIL OF ANDRIA. CONCERNING THE DUTIES OF THE CONFRATERNITY. On June 18th of the year of Our Lord 1898, Session 22, Chapter a, Concerning Reforms. In the parish church of Saint Nicholas, located in the city of Andria, there existed, from a very remote age, a Confraternity called the Most Holy Sacrament; or, to be more precise, long before the establishment of the parish church, which was erected in the year 1857. According to the rules of its constitution, this Sodalitas, at its own expense, purchased the oil necessary for the lamps which burn in the chapel where the Most Holy Sacrament is reserved. It is said that the members of this Sodalitas had, for some time, ceased this practice (from the year 1857 or 1845), and that complaints were then raised by the College of Priests who ministered to this church. However, only on August 6th, 1889, was a complaint presented by Michael Patruno, the Parish Priest, who petitioned the Curia to [the text is incomplete here, but the intended

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meaning is that he requested a summary of the facts].

[*Latin ed. p. 276*]

276 ANDRIEN. A sodality was obligated to provide oil for the lamps in the quantity that had previously been supplied. The Episcopal Court, on September 28, 1897, issued a judgment condemning the Sodalitas ad SS. Sacramento to pay twenty livres each year for the lamp oil, and it exempted the aforementioned sodality from all reimbursement of expenses due to its poor financial condition. The Parish Priest duly filed an appeal and obtained permission to properly initiate the appeal before the Sacred Congregation, but he did not strive to pursue it further, distracted, as he claims, by other legal matters. He requested that the appeal be pursued on July 31, 1896, but the exception of res judicata was raised against him, due to the fatal appeal having been initiated but not pursued. The Parish Priest insisted on obtaining full restitution, and a decree was issued on November 26, 1896, stating: "Furthermore, regarding the request for full restitution, let it be noted." Therefore, today, apart from the merits of the case, the question of a prejudicial claim for full restitution is also at issue.

A SYNOPTIC DISCUSSION: DEFENSE OF THE PARISH PRIEST. The Parish Priest observes that full restitution is easily granted, according to the precepts of both legal systems, because it serves justice. On this matter, Ulpian wrote: "This title does not require commendation; for it shows itself." (1. 1, D. h. tit. 4, 1). The Parish Priest also notes that: "To the Church and other pious institutions, within four years, the remedy of full restitution is due, not only against contracts, but also against judgments, both interlocutory and final, rendered against them." (Reifenstuel, on this title, § 3, n. 65). Indeed, it is expressly stated that full restitution can be granted against a fatal error, whether in initiating or pursuing an appeal. "If the Church does not appeal from a judgment rendered against it within ten years: or if within the peremptory term established by the judge..."

[*Latin ed. p. 277*]

ANDRIEIV produced neither the required witnesses nor the necessary proofs, and thus failed in the case; but no appeal was pursued within a year, or even two years" (ibid. n. 72). To excuse this fatal oversight, the Parish Priest cites authorities, namely: "It is fitting that restitution be granted in pious places due to the negligence of administrators" (Paulus De Rubeis, adn. ad. dec. 3, p. 3, Rec. § 66). "It is deemed worthy of consideration a monastery, to which prejudice could not be done by the negligence of the Prior or of those Fathers of that time, so that at least restitution should be granted." (De Luca, Theat. ver. et iust. De feudis, disc. 41, § 13). Furthermore, he invokes the doctrine confirmed by St. Robert and accepted by the Sacred Congregation, according to which, to one who impugns a judgment, restitution is not denied when it appears that the judgment impugned is

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either null or unjust: "The Lords declared that restitution is always granted when damage results from the nullity and injustice of a judgment" (Romana domorum coram Roia, 22 June 1640, dec. 241, p. 8, § rec). "Where it is established that there is nullity and injustice, restitution is granted against the judgment and the indicated thing" (Argentina commendae eorum Ooccino, 30 March 1615, dec. 672, p. 2, § 1, rec). Nor is it required that the injustice be notorious, for "The injured party is admitted to restitution in order to appeal or to pursue an appeal if he demonstrates at least partially of his good right" (Mascardus de prob. conci. 1283, § 5). "In restitution against a judgment, for the purpose of a hearing, it suffices to demonstrate at least partially of one's good right; indeed, it suffices that it be established that there is a good foundation for the cause" (Tarvisina feudi coram Queipo, 5 March 1632, dec. 105, p. VI, § 9, rec). The Parish Priest repeats the principle from which it is inferred that there are no judgments that are founded on a false cause.

[*Latin ed. p. 278*]

278 ANDRIA. Nor does it ever pass into a judgment: "Sentences issued on a false basis and presumption do not pass into a matter adjudged, for where there is an open injustice, legal protection cannot be afforded" (c. g. de sent. et re iud. l. II tit. 27, decree). "When a judge proceeds on an error or a false basis, and expresses that basis in the sentence, such a sentence does not pass into a matter adjudged." (Reiffenstuel, ad cit. tit. de sent. et reiud. § 1, n. 130). But the judgment of the judge of Andria, according to the Prefect, not only rests on a false basis, but also contradicts common sense and is full of contradictions. For he affirms that the necessary expenses for the worship of the Most Holy Sacrament are to be borne by the sodality; afterwards, however, he absolves the sodality from the obligation it had acknowledged; and he alleges poverty as a reason, which, it seems, had not even been alleged by the sodality itself. Moreover, he remits the very obligation to the discretion of the sodality: "The confraternity will pay, for this purpose, what it allocates in its budget"; and this, he declares, not temporarily, but definitively: although it is obvious and clear that the condition of fortune is variable, and that the sodality, if it is poor today (as it appears to be), may tomorrow become rich through the generosity of others.

To the point, the Parish Priest cites certain testimonies from which it is clear that the sodality is not poor, but rich; and the first of these is the testimony of the Secretary of the Sodality. And he adds that it has sometimes happened that, after deducting the expenses, 500 lire remained. But if, in the year just past, only 39 lire remained: "up to 1897, in which year the surplus was 39 lire." The Prefect believes that this happened in order that the poverty might somehow be confirmed by exaggerated expenses.

Secondly, the Prefect adduces the Vice-Rector of the Sodality, and three members of the Church, as witnesses, to confirm the testimony of the Sec-

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retary. Thus far, concerning the nullity. Regarding the injustice of the sentence, the Prefect notes that, since an exemption, which was requested on the grounds of poverty, was granted, there is now doubt about the burden to which it is subject.

[*Latin ed. p. 279*]

ANDRIA. 279. Furthermore, it cannot be denied. Therefore, an unjust judgment must be declared, which releases the sodality from this burden; and it does an injustice to him to whom the oil is owed. Then, the Prefect observes that the obligation by which the sodality is bound cannot be called into question, since the judgment of the Andriensis court solemnly established it. Since the sodality of the Most Holy Sacrament neither appealed at the beginning, nor does it appeal today, and the Prefect claims that the appeal has been presented, it must be considered a judgment, the advocate insists. The parish priest, for his part, endeavors to prove the obligation itself, if it is disputed, with these arguments. The first argument, the Prefect requests, is based on the nature of the sodality, which, since it aims to increase the worship of the Most Holy Sacrament, is obligated to dedicate its revenues to this particular worship. Therefore, the Prefect continues, in all churches of the world, sodalities of the Most Holy Sacrament usually bear the expenses for this worship, either in their entirety, or at least in part, if funds are lacking. In Andria, the sodality of the Most Holy Sacrament, established in the Cathedral Church, bears these expenses with equanimity. But the Prefect laments that the sodality founded in his church does not bear any expenses for this worship. It does not provide the amount of wax used in the daily adoration; it does not pay the expenses that occur each year when the Viaticum is brought to the sick; it does not provide the sacred vestments, nor the linens, nor the palms, nor the flowers; for all these things, the Prefect demonstrates with the testimonies presented, are provided by him or by the faithful. Indeed, it does not even pay the money for which it was condemned by the Andriensis judge. This sum of 20 *libellae* is included in the accounts presented to the governing body, but it is not paid to the Prefect. But the second foundation of the obligation, the Prefect places in the constitutions by which the sodality of Aversa is governed. These constitutions cannot be violated, because they bind.

[*Latin ed. p. 280*]

280 ANDRIA. Regarding the brethren: This is because the right of the Rector is sought from them. And indeed, the Sacred Congregation of the Council, in a similar case, in order that the confraternity should not be excused from its obligation, strictly decreed: "The confraternity had promised to deliver to the parish priest of the aforementioned church (Terrae Lauri) a certain quantity of oil for the lamp which must burn before the Most Holy Sacrament; but since the brethren have recently ceased in

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the provision of oil, disputes have arisen both within the parish priest and among the brethren themselves, the knowledge of which has been brought to the Sacred Congregation." 3. Is the annual obligation of the brethren to deliver to the rector or parish priest, for the time being, a certain quantity of oil, a bad thing in this case? – No, and moreover (Terrae Lauri, or Fermo – the departure of the confraternity on April 27, 1720). However, because the municipality, in previous times, paid to the College of Priests of the church of St. Nicholas the contribution of the brethren for the expenses of oil, the Rector fears that today the confraternity intends to provide only that portion of oil, which exceeds the quantity supplied by the municipality. Indeed, the confraternity itself admits that the contribution was very small. The Rector insists that the confraternity must hold itself accountable if the municipality pays nothing today; but it cannot turn this to the detriment of the church, to which it is bound. But since the confraternity objects that any such obligation has been dissolved by contrary custom, the Rector replies: First, the judge of Andria has not obscurely declared that nothing that the confraternity affirms is sufficiently proven. Second, until the year 1870, the confraternity received a contribution which was paid to it by the municipality. If, therefore, it has not provided anything for the oil, it has unjustly gained. – Third, finally, if, from the year 1857, when the parish of Andria was established, prescription began, it has been completely lacking in any agreement, the Rector insists. For three years, the parish lacked a rector; and prescription could not run (c. 1> 4, 15 De praescr.), since a parish priest was not elected until the year 1860. It is known that this matter, twenty-nine years later, was brought before the court of Andria by the Rector. Furthermore, the parish priest observes that 50 ducats, which were...

[*Latin ed. p. 281*]

ANDRIEN. 281 The municipality pays, but these funds are not for the worship of the Most Holy [Sacrament], but for functions in general that are to be carried out within the Church; and the Prefect attempts to weaken the final objection, asserting that, as a corporation, the parish benefits are so substantial that he insists that the expenses for oil should be borne by it, just as they are borne by the Archpriest of the cathedral. To this objection, the corporation replies: for the Archpriest enjoys a more substantial benefit. And nevertheless, if the Archpriest bears the expenses for oil in his church, then it is clear that all the other expenses pertaining to the worship of the Most Holy [Sacrament] should be supported by the corporation. Finally, the Prefect concludes his argument, noting that he has proposed a settlement whereby, for the past time, he is almost entirely prepared to remit what is owed to him. The members of the corporation were prepared to accept this settlement, but the Rector, so that this agreement would not be ratified by the members, intervened. Therefore, since the matter did not

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resolve itself, and the question remains to be settled, he declares that he will today demand what is due to him concerning the past. DEFENSE OF THE CORPORATION. In order that the corporation should not be condemned in this judgment, something was brought forth ex officio. Indeed, it did not present any documents to prove the prescription, which is certainly the greatest pillar of the defense; but in the petition, it asserts many things pertaining to the facts, and it seeks to demonstrate that the obligation that once existed has already been extinguished by a forty-year custom. Furthermore, with regard to legal questions, the following points should be considered. Firstly, it seems that the judgment has the force of res judicata even against the corporation, because this corporation neither appealed at the beginning, nor did it adhere to the appeal that was promoted, nor did it pursue the proceedings that had already begun. But the [Most Excellent] Prelates will deliberate whether it is just to grant the corporation this extraordinary remedy in one part of the judgment, favoring the Prefect in the part of the judgment that does not favor him, while denying it the same remedy in another part of the judgment. For the members of the corporation are simple people and are not very knowledgeable about the law.

[*Latin ed. p. 282*]

282 ANDRIEN. Considering the circumstances, it decided to restore the rights that had been lost through the cessation of payments. Those admitted as members, in order to protect their rights before the Holy Office, dare not deny the obligation to which they were originally bound, namely, to provide oil for the lamps, but they raise the defense of prescription. They also raised the defense of prescription before the Ordinary, but they proved that, since the year 1857, when the parish was established, they had in no way fulfilled this obligation. However, the Rector objected that the parish had not had a Rector until the year 1860; therefore, the period of prescription had not run, since prescription against a vacant Church is considered suspended or dormant. Furthermore, it is the opinion of learned jurists that ecclesiastical assets, namely, also revenues and other payments which are considered immovable, are not subject to prescription against the Church within a period of forty years. Reiffenstuel, *De praescriptione*, nos. 150, 162, 163, 164. However, the members protest that it can be clearly proven from their records that, at least since the year 1845, the provision of oil had been discontinued. However, the necessary documents are lacking in the records. Moreover, if prescription is legitimately proven, nothing prevents the members from being exempted from any obligation. For, in the judgment of the Court, the principle that prescription does not apply to voluntary obligations is not invoked in this case. Indeed, a voluntary obligation is an act to which the members themselves solemnly declare themselves bound. On the other hand, it is the established opinion of the

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most learned jurists that prescription runs against any obligation which is not one of divine law. But the obligation of the confraternity of the Most Holy Sacrament to provide oil for the worship of the same does not seem to be one that is necessarily inherent in its constitution. For, the Holy Congregation of Councils, in Nusco, in the month of January 1605, decided: "The confreres of the Society of the Most Holy Sacrament established in the Cathedral cannot be compelled by the Bishop to bear the expenses of the oil for the maintenance of the Most Holy Sacrament, which is reserved in the main altar of the same Church," as reported by Pallottini, Vol. 16, p. 356. Hence, the Holy Congregation of Councils, in a certain case concerning a confraternity, decreed:

[*Latin ed. p. 283*]

ANDRIEN. In the parish church, a dispute arose among the members of the Society of the Most Holy Sacrament concerning the obligations to be fulfilled by the aforementioned confraternity, among which was the provision of oil for the Divine services. Regarding Question III: "Whether the confraternity is obligated, beyond personal service, to fulfill the aforementioned obligations from its own revenues, or rather from the funds of the Most Holy Sacrament and from the parish revenues," a response was given on September 12, 1782: "The necessary expenses for the Most Holy Sacrament are to be provided first from funds specifically designated for this purpose, whether by the parish priest or by the confraternity; then, from the revenues of the goods acquired by the confraternity for the benefit of the Most Holy Sacrament; and finally, as a supplement, from the parish revenues and further contributions." Therefore, the obligation to provide oil for the Divine services does not arise from the very nature of the confraternity, but from the revenues or offerings collected for this purpose.

Furthermore, in the case of Terrae Lauri, or Fermo, concerning the departure of the confraternity, on April 27, 1720, it was decreed that the Society of the Most Holy Sacrament established in the parish church of Saint Mary of Piada must provide a certain quantity of oil for the lamp that must burn before the Most Holy Sacrament to the rector or parish priest of said church, as the members had promised since 1654. Therefore, if the confraternity were obligated to provide a certain quantity of oil or an equivalent sum of money, the measure of the obligation can be nothing other than the old promise made in the constitutions, or legitimate usage, or the very nature of the revenues granted to the confraternity for this purpose.

Considering these points from both sides, the following questions were proposed for clarification: First, whether there is a basis for complete restitution. And, in the affirmative.

[*Latin ed. p. 284*]

284 ANDRIEN. II. Whether and how the opinion of the court concern-

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ing Andrien is to be confirmed or refuted in this case. RESOLUTION. The Sacred Congregation of the Holy Office, after deliberation on June 1, 1898, decided to respond: Regarding the first and second points: The confraternity is obligated to bear the expense of maintaining the lamps according to the established regulations. PARISIAN. DISPENSATION OF MARRIAGE. June 18, 1898. Session 24. Chapter 6, concerning marriage. In Paris, in the parish church of Saint Honoré, on May 5, 1896, Aloysia and Charles, Viscount, entered into marriage, according to the laws of Trent. The spouses, born of noble lineage and of a commendable youth, were, the wife being 23 years of age and the husband 27 years of age, and immediately after a brief, four-day journey, they resumed conjugal life, and for three weeks they shared the same bed; but, if we are to believe them, they never consummated the marriage. The reason for this is not entirely clear from the documents, since each accuses the other of preventing consummation, so that it is easily understood that the marriage was not consummated through the fault of one of the parties. Regarding the sentiments of the spouses, who, as they assert as witnesses, never fully consented, they were so divided that, after seven months, on December 7 of the same year, conjugal life was completely broken. In the meantime, a separation of bodies was obtained from the civil court, and Aloysia appealed to the Most Holy Prince, humbly requesting a dispensation from the valid but unconsummated marriage. SUMMARY OF THE FACTS.

[*Latin ed. p. 285*]

PARIS. 285 With the approval of the Supreme Pontiff. The Parisian court, legitimately delegated, instituted a process, heard the spouses, questioned the witnesses of both parties, and finally subjected the woman to a physical examination performed by two physicians. The advocate, having stated that two things are necessary to obtain a dispensation from a valid and unconsummated marriage, namely, the lack of consummation of the marriage and a just cause, presents his argument in two main points. And concerning the lack of consummation, he states that it is manifestly proven through the sworn testimony of the spouses, the testimony of the witnesses, and the physical examination of the woman, and furthermore, through numerous other means, and especially through the confessions of the spouses, made at a time when there was no suspicion. Moreover, the spouses, under oath, affirm that the marriage has not been consummated. Aloysia: "Since our marriage, no attempt to consummate the marriage has ever been made by my husband... I absolutely affirm that the marriage has not been consummated." Charles: "No physical attempt has ever been made to consummate the marriage. I affirm that it has never been consummated." The advocate proves that full credence should be given to the words of the spouses, because the most respected witnesses, as if with one voice, declare: "I have the most absolute confidence in the veracity and honorability of Madame

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de Calan, or of Mr. de Calan, and her affirmation that the marriage has not been consummated is sufficient for me to be convinced that it has not been. Yes, I am convinced of the lack of consummation." It seems that there is no difficulty, even though the spouses disagree "regarding the responsibility for the lack of consummation." For, the advocate responds, this disagreement does not pertain to the lack of consummation itself, but to the causes of it, which, indeed, do not affect the substance of the sworn testimony. DEFENSE OF THE WOMAN.

[*Latin ed. p. 286*]

286. PARISIEN. Indeed, the advocate argues that, even if spouses were to disagree on substantial matters, that is, on the very consummation of the marriage, nevertheless, if a woman proves herself to be a virgin by the appearance of her body, the Sacred Congregation of the Council [S. C. C.] held in *Parisien*, in July 1896, that a dispensation should be granted. Furthermore, the advocate proceeded to present corroborating arguments, among which confessions made by the spouses outside of any legal proceedings hold a prominent place, that is, confessions made at a time when suspicion was not present: "I told my mother, the day after, that the marriage had not been consummated, and I repeated this declaration on other occasions. I confided the same thing, three weeks later, to one of my friends, and to her mother, who had encouraged this marriage. Mgr. the Abbé Courage was informed from the beginning; he even came to see Mr. [the official] as early as the month of July." Charles stated: "Besides a lady friend of my mother-in-law, I made the entire situation known to my father, my mother, and my great-aunt." The same is evident from the events that preceded the separation of the spouses. Thus, Aloysia's parents urged Charles "to be compelled to consummate the marriage," and Charles' father urged his son, Aloysia, to return and fulfill his marital duties. Charles, however, disregarding the advice of his parents and friends, spent time on journeys, more diligent "in collecting his rents" than in consummating the marriage. Aloysia, in turn, received her husband upon his return after repeated journeys, "locking the bolt of the door between the two bedrooms." Finally, the advocate presented the most complete proof of the lack of consummation, namely, the examination of the woman's body, which, after the procedures of the Sacred Congregation of the Council had been completed, was carried out by two expert physicians, in the presence of a midwife. Furthermore, Doctor Ferrand reported: "The examination of the genital organs allows us to note that the vulva is narrow and normal, with small labia that are not very prominent. The hymen membrane appears intact, closing the vulvar funnel, and presenting only a narrow opening that indicates its center. The

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edges of... ”

[*Latin ed. p. 287*]

PARISIAN. 287 This orifice, slightly festooned, is also somewhat thick. The orifice itself scarcely admits the introduction of a finger. From this examination, I conclude: 1. That the sexual parts have retained their virginal appearance; 2. That the hymen is well-formed and has not been broken; 3. In short, that the marriage has not been consummated. Another doctor, Bucquoy, concurs. The advocate demonstrates the probative force that should be attributed to the integrity of the hymen, citing Zacchia, who in book 4, question Med. leg. title 2, question 1, number 1, states: ”Many things are brought forward by which, even if they are present, one cannot doubt the integrity of virginity; especially, it seems to be an infallible and insurmountable sign, derived from the hymen itself, namely, a thin membrane, by which, its presence being known, it is sufficiently and abundantly evident that the woman is chaste, even to those witnesses who doubt the nature and truth of the hymen.” The advocate, adducing the causes for the dispensation at Grado, finds the primary and most important one in the insurmountable alienation of the souls: since the woman, the parents, and the witnesses all proclaim that communion of life is already impossible. The advocate derives other causes from the judgment of separation pronounced by the civil tribunal, which acts as a wall between the spouses; and from the spiritual benefit of the actress, which must be kept in view, as the authors of law, this Holy Congregation, and the Supreme Pontiffs have constantly taught.

OBSERVATIONS OF THE DEFENDER OF THE BOND. On the contrary, the Defender of the Bond notes that nothing of a decisive nature was done, nor could there have been any suspicion that both of the spouses would not enter into the marriage, prepared to bear the burdens that divine and human law impose on spouses. Indeed, no one compelled them unwillingly, but both consented willingly and of their own accord. Furthermore, Aloysia declares: ”I gave a full and free consent”; no differently than Charles, who swears: ”I gave a full and free consent.” Moreover, the spouses themselves, on the very day of the marriage, committed themselves to a pleasurable course; but four days later, that is, on June 13th.

[*Latin ed. p. 288*]

288. PARISIANS. The Parisians repeat: ”We returned, says Charles, on the 13th to Paris.” And although they used the same bed for almost three weeks, and persevered in cohabiting until the 7th of the following December, nevertheless, despite these things, the companions affirm that the marriage was not only unconsummated, but they also swear with one voice that they did not even experience the consummation of the marriage. Therefore,

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the speaker continues, if you ask these young people when they contracted the marriage, and if they did not at all desire to consummate it, they respond with preadamite innocence: that they did indeed desire it, but not both at the same time. For when the husband desired it, the wife was averse; when she desired it, the husband did not perceive the wife's desire. Indeed, the husband recounts: "We shared a room and bed for about fifteen days. At the end of June, Madam said to me: 'Now that your room is ready, we will have separate beds and rooms.' This was said to me around the 27th of June. This request did not seem very extraordinary to me; I thought that this young woman was very timid and was not eager to have intimate relations with a husband whom she barely knew. For the first night, Madam asked, through my father and for special reasons, that the marriage not be consummated. Seeing the timidity of Madam, and interpreting certain words of my wife in the sense of abstinence, and being somewhat displeased with the attitude of my in-laws, during the first days I did not ask for the fulfillment of the conjugal duty. No attempt was made in that direction, and Madam did not show me any desire." And the wife, questioned by the judge, responded: "We shared a room and bed with my husband for three weeks. I myself asked Monsieur, because I was feeling tired, to have separate rooms; but this was only to be temporary; and my husband never spoke to me again about returning to the same room. During this time of fatigue, my room was not forbidden to my husband. In..."

[*Latin ed. p. 289*]

PARISIAN WOMAN. 289 In the initial days of our married life, there was no attempt on the part of my husband to consummate the marriage. I made no refusal; in entering into marriage, my intention was to fulfill my duties as a wife. My attitude towards my husband was such that he could judge that I was willing to grant him whatever he might ask of me. The lady gave me no reason for her abstention. Later, in the month of August, she declared to my mother that "voluntarily, she had abstained from consummating the marriage." At the beginning of September, I had a discussion with Monsignor. He was returning from a journey, having departed without even saying goodbye to me. He asked me to return to the marital bedroom, and he requested the fulfillment of the conjugal duty. On that day, I refused; I was upset, and my mother had already visited Mr. the official to see what could be done.

Regarding the credibility of the testimonies of spouses who claim to have slept together for many nights without consummating the marriage, the advocate explains, using the words of the most illustrious Cardinal Coscio, in *De Separatoribus*, Book 5, Chapter 2, numbers 261 and following: "If... both spouses affirm that they were unable to have intercourse due to mutual hatred and antipathy, it is necessary to find someone who, without any bitterness, can immediately believe that such a miracle has occurred... It is

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difficult to believe that a young man and a young woman, alone with each other, naked with each other, could, solely due to antipathy, so completely and consistently suppress the ardent desire for the act of union, unless one were also to say that fire cannot ignite straw, and a flame cannot ignite cotton...". Since the opposing party claims that several witnesses have heard from the spouses themselves about the lack of consummation at a time that is not suspicious, the advocate responds that the spouses spoke at a very suspicious time. Namely, when, having returned from their wedding journey, they had planned to seek a dissolution of the marriage; and in order to demonstrate this, they were showing the lack of consummation, knowing full well that in such a case, the marriage would be dissolved. Charles states: "I believe, *Acta*, Volume XXXI, page CCCLXV. 19.

[*Latin ed. p. 290*]

290. PARISIEN. It is known that Aloysia, from a very early stage, understood that if she continued to abstain in this manner, she would have a means of obtaining a dispensation from an unconsummated marriage. Therefore, for this reason, the parties, whether willing or unwilling, were informed of the alleged unconsummation; and she especially endeavored to persuade grave ecclesiastical and other men, so that they might serve as witnesses. According to the advocate, only one thing could be seen with her own eyes, and at a time not suspected: she heard from the spouses, Amata Tournier, who, during those four precious days which the spouses dedicated to their nuptial journey, accompanied the spouses. Regarding Aloysia, her mother, to Father Augusto de Salinis, of the Society of Jesus, stated: "She was all the more certain of the unconsummation, because the chambermaid (Amata) had prepared everything for the case in which the marriage would be consummated, and she herself would testify that it had not been." However, the defense continues, the testimony of Amata, being a servant of the family, is not without suspicion; and furthermore, when questioned, although she strives to support Aloysia as much as she can, and reports: "Miss herself told me (when?) that her marriage was not consummated"; nevertheless, when firmly questioned by the judge: "In conclusion, are you certain of the unconsummation of the marriage, and on what basis do you base your conviction or your certainty?" she remained silent, the most eloquent of linen cloths, and instead avoided the question, saying: "I am convinced of the unconsummation of this marriage; I base my conviction on what I have heard said by Madame the mother and her daughter; I myself have never seen anything that could make me believe that the marriage was consummated." If this were to be admitted, the chambermaid Amata could not have supported her testimony with pure linen cloths, because Aloysia was experiencing her menstrual flux at that time: "The young bride having her menses on the day of her marriage"; then the advocate replies, if this is the case, nothing prevents the marriage

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in question from having been consummated.

[*Latin ed. p. 291*]

PARIS. 291. There remains a trace of the consummation. For Zacchias, in this matter, is easily the foremost authority in moral theology, as is clear from his *Celebris Operis, quaestiones, media, leges*, I, 4, title 2, question 1, number 28, where he explains how and when a virgin can be deflored and conceive without violating the sanctity of her virginity, and he says: "When virgins are joined to a man on the first or second day, or even the third or fourth day after the end of their menstrual period, because at that time they not only easily and without pain admit the man, but it is surprising that those membranes which constitute the hymen are not broken, but are merely relaxed by the preceding moisture of the menstrual period, so that the member of the man can easily enter without tearing them, and at that time nothing prevents the woman from conceiving." From this, the defender of the sacrament concludes that the testimony of the doctors Angelus Ferrand and Julius Bucquoy, who, after examining the body of Aloisia at the judge's command, spoke with one voice, has no value: "1°. That the sexual parts have retained their virginal appearance. 2°. That the hymen is well formed and has not been broken"; for, since it is established that the vicomtesse was menstruating on the first days of marriage, it is clear from the words of the most learned Zacchias that the hymen remained intact, even if the vicomtesse had intercourse with her husband on those days, or if the marriage was consummated. Furthermore, the color of these parts does not change, as is evident, with a single or even a few congresses. Nor does the defender find a just cause for a dispensation. The matter concerns spouses who gave their full and free consent to the marriage, and who, as is clear from what has been said, did not "seem" to have consummated the marriage. Therefore, in order that the marriage should not appear to have been contracted in jest, they ought to have made every effort to consummate it. With these considerations in mind, the question was raised: Is it permissible to request a dispensation from the Holy Office regarding a marriage that has been celebrated but not consummated in this case?

RESOLUTION. The Sacred Congregation, after deliberation on June 18, 1898, decided to respond: Affirmative.

[*Latin ed. p. 292*]

292 ZAGABRIEN. ON THE DISPENSATION OF MARRIAGE. August 21, 1898. Session 24, Chapter 5, Concerning Impediments to Marriage. SUMMARY OF THE CASE. In the village of Koller, Lewis, a Catholic, then twenty-three years of age, while residing in the city of Flumen, was captivated by Ida Auer, who was seventeen years old. He requested her in marriage from her parents. And indeed, after preliminary betrothal, after a

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few months, on July 9, 1893, the marriage was celebrated in Zagreb, in the Church of St. Mark, despite the bride's considerable reluctance. For Ida, who had always desired this marriage, nevertheless, a few days before the wedding, refused to marry Lewis, alleging that she had discovered him to be a liar and not as wealthy as she had believed. However, pressured by her parents, who asserted that all preparations had been made and that the faith given to the groom must be kept, she yielded to their authority and counsel and entered into the marriage quite reluctantly. The day after the wedding, the spouses began a pleasure trip, going to Budapest, and after about ten days, they returned to Zagreb, where they lived together peacefully in the home of the bride's parents until November 4 of the same year, 1893. On this day, Lewis, without his wife, departed for Ligny-en-Barrois in Upper Austria, having been called there to work for some time in the main factory of "Fraks Söhne." But after a month, he returned to Zagreb, and was not received by the parents of his wife, and from that time on, the spouses did not meet again, and all communion and intercourse ceased. Indeed, during the husband's absence, the wife went to the Archdiocesan Tribunal of Zagreb, and requested that the marriage bond contracted with Lewis Koller be dissolved, on the grounds that it had never been consummated. The Tribunal of Zaga-

[*Latin ed. p. 293*]

ZAGABRIEN. 293. The court of Zagabria, exceeding the limits of its jurisdiction, not only instituted a process without authorization, but also rendered a judgment, namely, that the divorce should not be granted to the plaintiff, because the lack of consummation of the marriage had not been sufficiently proven, especially since the physicians, having examined the plaintiff's body, testified that the hymen was found to be ruptured, and therefore, there was a lack of sufficient evidence of virginity. The plaintiff did not accept this judgment and appealed to the Tribunal of Kaloscia, which declared the first judgment invalid, because the Defender of the Marriage Bond had not been present in the proceedings. Then, the Tribunal of Zagabria, having discovered its error, declared its incompetence in the matter of granting a dispensation from a valid but unconsummated marriage, and referred the plaintiff to the Holy See. Therefore, both spouses sent a petition to the Supreme Pontiff, requesting a dispensation from the valid but unconsummated marriage. Regarding these matters, a response was sent to the Archbishop of Zagabria, instructing him to conduct the process according to the law; and after all these things were completed, the Archbishop sent the proceedings to the Sacred Congregation.

SYNOPTIC DISCUSSION

OPINION OF THE THEOLOGIAN. It is truly astonishing that the Tri-

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bunal of Zagabria accepted the petition, and not only instituted a process, but also rendered a judgment on April 17, 1894, stating that the divorce should not be granted to the plaintiff, because there was not sufficient proof of the lack of consummation of the marriage. Indeed, in all of this, the Tribunal completely exceeded the limits of its jurisdiction; for it is clear that in the case of a dispensation from a valid but unconsummated marriage, only the Roman Pontiff is competent, and that inferior tribunals cannot, not only render a judgment in these cases, but not even institute a process without a special delegation from the Roman Pontiff, as is clearly stated in the Constitution "Dei Miseratione" of Benedict XIV, November 29, 1741. No less did the Tribunal of Kaloscia err, which accepted the appeal of Ida, and rendered a judgment...

[*Latin ed. p. 294*]

294 The Tribunal of Zagreb declared the judgment invalid for the reason that the Defender of the Bond of Matrimony had not been present. For although it is true that the Defender of the Bond of Matrimony is not required even in causes for the dispensation of marriage, whether ratified or unconsummated, according to the practice of the Curia, but not according to the prescription of the Constitution of Benedict, the judgment of the Tribunal [of Zagreb] was all the more invalid because there was an incompetent judge; therefore, also that which the Tribunal of Kaloscia decreed, namely that the Tribunal of Zagreb should institute the process anew, with the presence of the Defender of the Bond, and pronounce a new judgment, was done contrary to the dispositions of law. The new matrimonial Tribunal of Zagreb clearly understood this and declared itself incompetent in this cause. Hence it came to pass that Ida, who had been joined in marriage to Ludovicus on March 18, 1895, appealed to the Holy See on September 30, 1895, that her marriage might be benignly dissolved. The Sacred Congregation of the Council, heeding the prayers of Ludovicus, wrote to the Archbishop on March 29 of the same year, for information and for his vote, and delegated him to institute the process in this cause with the authority of the Holy See. Those things which resulted from the process are now to be examined, in order to determine whether it is certainly the case that the marriage remained unconsummated, and whether the causes for dispensation are lacking. Furthermore, it is clearly evident that sufficient causes for dispensation are present in this case, namely the evident lack of reconciliation of the spouses, as all testify; and it is too harsh for them, who are still in their youthful age, to remain in forced celibacy. Hence, it is to be feared that, with contempt for ecclesiastical and divine laws, they might turn to a mere civil marriage, or even to sects and other non-Catholic religions. Therefore, the Most Reverend Ordinary is certain in his report that such causes are to be found, and the Defender of the Bond of Matrimony in the Tribunal of Zagreb does not prove them to be absent with valid arguments.

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He adds one thing, which is of some weight, namely that a scandal would arise among the faithful if the marriage were dissolved. He believes that the excellent Defender of the Bond...

[*Latin ed. p. 295*]

ZAGABRIEN. It is, in those regions, unusual and unheard of, that a dispensation from a valid marriage should be granted, and it seems to me that the faithful cannot easily be taught this power of the Roman Pontiff, and that they will undoubtedly bring forth the well-worn saying, which is common among them: "All things are permitted to the lords." However, whether this is a sufficient reason for denying the dispensation in this case, is not the question to be considered here, since the question of the moral consummation of the marriage must first be addressed. To this question, I believe it is necessary to give a negative answer. For, from what I have been able to gather from the documents, nothing has been found that certainly proves the moral consummation of this marriage. For it is certainly known that moral certainty of the lack of consummation is present when a) either the spouses have certainly not been able to have intercourse, either because they have never been alone since the marriage began, or because the husband's impotence is clearly certain; b) or it is clearly established by a physical examination that the woman is still a virgin; c) or such indications and circumstances concur that, when taken together, they provide moral certainty of the lack of consummation. In our case, however, the first and second arguments are completely lacking. It is undoubtedly established, and the spouses themselves admit it, that for almost four months, from July 9th to November 4th, 1893, they lived together as husband and wife, using the same room and often the same bed; and there is no doubt from the documents that the husband's impotence is clearly certain. Nor is there any less evident reason to conclude that no argument can be deduced in favor of the lack of consummation from a physical examination of the woman. For although the woman expressly and unequivocally asserts that she is still a virgin, the result of the examination does not prove the same. This physical examination was not carried out in accordance with the requirements of the law; for, according to the norms of the Instruction of the S. Congregation of the Council of August 22, 1840, and also of the Instruction of the S. C. Univ. Inquis. of June 20, 1883, and another earlier Instruction of the same S. Congregation (without date), this examination must be...

[*Latin ed. p. 296*]

296. ZAGABRIEN. The examination should have been conducted, after a preliminary cleansing, by two or three midwives, who had been properly instructed by two experts in medicine, and whose conclusions should be subject to the judgment of those physicians. All of these precautions were not observed in this case; but this does not necessarily prejudice the cause.

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It is sufficient if the essential elements were observed, as Gasparri, in *De Matrimonio*, no. 1197, testifies, and who there in a note reports that the examination of a woman's body in the court of Paris is usually not performed by midwives, but by two experts, with the assistance not of a midwife, but of a religious sister who provides assistance to women in childbirth, and yet that the Most Holy Congregation of the Council of that Court has not always approved of such proceedings. Furthermore, the omission of the cleansing itself does not necessarily prejudice the cause. Moreover, the conclusions of this examination are as follows. Doctor Svrljuga, under oath, states that the hymen was torn in several places, and that the presence of small, myrtle-shaped folds, and the smoothness of the vaginal folds, indicate that some solid and light object had frequently been inserted into the vagina; whether that object was a male member or another object, which Ida may have used for self-gratification, cannot be determined; but he is certain that all of these lacerations could not have been caused by a chance fall against the pointed support of a chair. Doctor Kosirnik also reached the same conclusion, although he seems to admit the possibility that all of these lacerations could have been caused by a chance fall from a higher place. Therefore, even if it were true that Ida and her mother assert, that these lacerations originated from the fact that Ida fell from a height in her childhood, and that as a result of that fall, the genital parts were torn and bloodied, it would still be evident from the examination that no positive argument could be deduced in favor of such a claim. Furthermore, from the cohabitation and sleeping together of spouses, a strong presumption of consummation arises, as is gathered from chapter 12, letters X (II. 23), together with the Glossa, and is widely supported by Pignatellus in *Consultationes*, CXLVIII, no. 2, vol. 1; and this presumption of law cannot be dispelled by law except by positive and well-founded proofs of virginity, as is taught by Co-

[*Latin ed. p. 297*]

ZAGABRIE!*. 297, concerning the separation of spouses, book 1, chapter 16, paragraph 13 and following; Giovine, on dispensations for marriage, page 1, page 481, and generally all. From these things, which are derived from an examination of the woman's body, not only does no certain argument for lack of consummation arise, but rather the presumption of consummation is confirmed; for the woman is corrupted, and it is not certainly known for what reason; but it is certain that some hard and soft body has been introduced into the vagina on several occasions. Furthermore, sin is not to be presumed, and no one ought to be considered guilty unless it is proven; therefore, it is more fitting to conclude that the marriage was consummated. Therefore, it must be considered whether there are such indications and circumstances, which, when taken together, or even individually, eliminate contrary presumptions, and provide moral certainty of

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a lack of consummation. But, apart from the sworn assertion of the spouse, nothing of this kind is found in the records. For the man loved his wife very much, and the wife, at the time of marriage, did not so vehemently reject the man whom she had sincerely loved, but neither did she hate him, which is evident from the testimonies of Ida's parents, and from the fact that Ida permitted Lewis several things, which a woman would not have permitted to a man she disliked. But that the woman asserts that she always denied intercourse to her husband, because once the man, naked, approached her while she was lying in another bed, demanding his due, besides the fact that this very event does not seem so certain, since the man denies having any memory of it, cannot, it seems, be admitted for any reason. For it does not seem possible that from a single act, or even a more free one, such aversion would arise in a woman as to permanently deny intercourse to the man. Less important are those other things which the man stated that the woman brought up as causes of the rejection made to him, namely that she disliked the intercourse itself, that the man smelled bad, and that he was too thin, so that approaching him caused her pain in the groin, and that she did not want to become a mother at that time, but would consent to intercourse after two years. All of these things are false.

[*Latin ed. p. 298*]

298. ZAGABRIEN. There are testimonies which can only be given by those who love [the truth]. Therefore, from these, everyone can see that no certain moral argument can be deduced to prove that the spouses have not consummated their marriage. Thus, only the assertion of the spouses, made under oath, remains. However, this is only equivalent to half-proof in law. As I have noted elsewhere, this is true according to the testimonies of the law, the teachings of canonists, and the practice of this Sacred Congregation itself; and you, Most Reverend Fathers, have yourselves demonstrated this with your wise judgment, when in that case you did not consider it safe to proceed to consult with the Most Holy [Father], in order to obtain a dispensation regarding a marriage that was valid but not consummated, even though the spouses asserted, under the law, that they had not consummated their marriage; but you wished that further proof be obtained regarding the matter, so that another half-proof of non-consummation might be obtained; which you requested on August 11, 1894, in Agrigento. Therefore, the sworn assertion of the spouses regarding non-consummation alone is not sufficient to dissolve the bond. And this, indeed, is the case, provided that the veracity of the spouses is established. But what if the opposite occurs, as in our case? For the man appears to have stated more things in the records, which he later denied, or of which he said he did not remember; therefore, as the records show, he was called to testify again on September 13, 1896, in order to resolve his contradictions. The woman, too, although she speaks the truth in relating

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that the man approached her naked, does not agree in her testimonies regarding the time when this occurred. For in the petition to the Court of Zagreb, and in the records of that process, she states that this took place in Zakanj, the day after the wedding; whereas, in the petition to the Holy See, she affirms with certainty that it occurred in the same city of Zakanj, about twelve days later, as can be seen from the records, when the spouses were returning from Buda-Pesto to Zagreb. It seems difficult that the woman could have been so forgetful of an event that aroused such indignation in her towards the man; and if it is true, as she asserts without hesitation in the records, that it occurred when the spouses were returning to Zagreb, then there is no further...

[*Latin ed. p. 299*]

ZAGABRIEN. There are twenty-nine reasons, not one of which is implausible, why his wife might have denied him his marital due for those twelve days. Therefore, whatever the circumstances, no morally certain argument can be deduced in favor of the lack of consummation. Hence, if I am not mistaken, the question: whether it can be established that the marriage was not consummated in this case, should be answered in the negative. There are two things that seem to be able, in some way, to oppose my opinion. One is that Ludovicum, even though he had not yet repented of the marriage he had contracted, indeed, he did not wish it to be dissolved, asserted that the marriage had not been consummated; but this assertion, by itself, amounts to a sworn assertion by the spouses. To the extent that he affirmed this in his own defense, there is some reason to believe that he spoke the truth, but it does not reach the force of full proof; moreover, as appears from the records, he does not seem to be a man of unquestionable faith. From all of this, it seems certain to me, as I said above, that the lack of consummation of the marriage in this case has not been sufficiently proven.

OPINION OF THE CANONIST. To express myself clearly, under the wise judgment of your Eminence, in the case in question, I believe that the opinion of the Canonist should be considered. The Most Reverend Fathers teach unanimously that the arguments by which the lack of consummation of the marriage must be proven must be most evident. The reason is obvious: when a marriage has been duly begun, consummation should be presumed, and no power is granted to the Pope to dispense from a marriage of the faithful that has been consummated, by which the spouses become one flesh; and then the words of Christ apply (Matthew XIX): "What therefore God hath joined together, let not man put asunder." - Cf. Sánchez De Matrim. Lib. II, Disput. 13, Mansella, De Imped. Matrim. Diriment. As for a marriage that has been duly begun, but simply ratified, it is certainly within the power of the Supreme Pontiff to dissolve this ratified, but not consummated, marriage, but a cause, and indeed one of great importance, is necessary in order to proceed with said dissolution; and there must be

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certain proof of the lack of consummation. To prove this lack of consummation,

[*Latin ed. p. 300*]

300. ZAGABRIEN. It is not sufficient for the assertion of marriage; other things are required, and notably the evidence of consummation, according to the text in the chapter on Fraternity, and in the chapter on Proofs, and in the chapter on "He who has known." And all these things must always be observed so strictly, that, unless fully proven, dispensation shall never be granted, even if there is a danger of perversion in faith, as most wisely observed by Benedict XIV (see *Quaestiones Morales*, XXIV). - In the Constitution *Dei Miseratione*, the same Pontiff prescribes the order and form to be observed in judgments of matrimonial causes, concerning the validity or nullity of marriages. Furthermore, the Holy Congregation of the Council, through its Instruction published on August 22, 1840, adhering closely to the aforementioned Constitution of Benedict XIV, has provided norms and rules for rightly and properly ascertaining the truth. All these things, if observed by all and everywhere, would make it not difficult to form a safe and just judgment in matrimonial causes. With these premises, in the case under consideration, it remains to be seen whether it fully appears from the records whether or not the marriage was consummated. The Archbishop of Zagreb, in his letter to the Most Eminent Cardinal Prefect of the Holy Congregation of the Council, dated October 26, 1896, aptly observes: "... since, after the marriage, Lewis and Ida lived together for almost four months in the same room, and often slept alone together in the same bed, and also used certain signs and touches of affection towards each other; certainly, there must be evidence of a cause that could constantly have prevented the consummation." The Archbishop writes that this is based on the testimony of both spouses. Therefore, it seems to me that the Defender of the Bond argues correctly, writing: "Marriage is presumed to be consummated as soon as it is established that the spouses had the opportunity to have intercourse; especially if the marriage was contracted out of love, and a young man has lived with his wife, a girl who is in the prime of her youth, and is considered fit for intercourse, it is not..."

[*Latin ed. p. 301*]

ZAGABRIEN. 301, not only in the same chamber, but also in the same bed; and this presumption is so strong that it is considered true, until clearer and more evident proofs are presented, besides the testimony of the spouses, which definitively establish the consummation of the marriage without any doubt, such as the examination of the woman's body. Indeed, Ida testifies, in accordance with her husband Lewis, that she chose Lewis out of love and entered into marriage with him, and that for the first eight days after the marriage, they slept in the same bed, and

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afterwards, for four months, they slept alone in the same chamber, and that she permitted her husband, while they were alone in the chamber, to show her the usual signs of love, such as kisses and embraces; all of which create a presumption of law that the marriage was consummated; against which presumption, according to the rule, no contrary proof is admitted, or only a very strong, violent, and abundant proof, which must be derived solely from the examination of the body. Thus, the defender of the marriage. Afterwards, the defender proceeded to the argument derived from the examination of Ida's body. And concerning this argument, I am greatly surprised that the most wise and precise rules and regulations contained in the cited Instruction of the Holy Office, published on August 22, 1840, were not followed exactly. In the records of this process, not a word is mentioned, especially concerning at least three midwives, a respectable matron, or a bath; in short, almost all the prescriptions established regarding this matter were overlooked. Furthermore, the Archbishop writes in his informative letter: "I gave instructions to Felici Suk, Doctor of Sacred Theology, Canon of the Metropolitan Church of Zagreb, and Assessor of the Matrimonial Tribunal in this Metropolitan See, to proceed according to the Constitution of Pope Benedict XIV." Why is there silence concerning the well-known Instruction of the Holy Congregation of 1840? Moreover, the Archbishop continues: "Then the Tribunal, through its commissary, examined the woman, and her body was inspected by two doctors." Is this the method that must be followed in the examination of a woman's body, according to the cited Instruction?

[*Latin ed. p. 302*]

Regarding the matter of ZAGABRIEN, S. C. C. The Defender of the Faith makes no mention of this instrument, nor does the Reverend Canon Felix Suk speak of it. Therefore, it is not surprising that the Tribunal proceeded in this most serious case in the manner that is evident from the records; indeed, no account was taken of those things which are most severely prescribed in the aforementioned instrument of the S. C. C. – I could therefore conclude that the prescriptions of the law should first be observed, and then we shall see what should be thought in this case. – However, assuming, and not conceding, the manner in which the examination of the woman Ida was carried out, what follows? The Ordinary openly confesses: "The only certainty is that the woman is not physically intact. However, it is not excluded that she was violated through intercourse with a man. And if another man cannot be demonstrated, it is presumed that she was violated by her own husband." Certainly, the Archbishop, writing these words, had before his eyes what Doctor Simon Sverlinga testified under oath, namely: "From the ruptures of the hymen and the smoothed wrinkles of the vagina, it must be concluded that this was not the result of a single occurrence, but of repeated friction, with a smooth object (glabra) frequently inserted into

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the vagina." Given these circumstances, the woman Ida did not respond well when she said, "Are you ready? If it is necessary, I will submit to the examination of the doctors again, and I will bear the expenses? – I am not ready, because I have already undergone such an examination." Rather, she should have responded that she was ready and willing to show her body to matrons, and others chosen for this examination, if she is so certain that the ruptures of the hymen are due to a cause other than the consummation of marriage. – After these things, I will not linger on the other arguments brought forward by the spouses Ludovico and Ida, and which are based solely on their oath. This oath, according to Sánchez De Matrim. Lib. II Disp. XXIII, is of no avail: for he writes: "If the bride was not a virgin, and the bride has not been brought to the *traducta*, the faith of their oath is used: since, from the appearance, proof cannot be obtained, and it cannot be said that she was not brought there, along with the oath, a judgment is urgent; but if she was brought there, they are not believed in matters concerning the marriage."

[*Latin ed. p. 303*]

ZAGABRIEN. 303, judgment, and dissolution; for in this matter, only the confession of the spouses is not sufficient, Chapter concerning him who is known by consanguinity. Now, if a virgin is not, and the bride has been brought to the groom's house, and she sleeps in the same room, and in the same bed with Lewis, who will attest to the faith of their oath? Indeed, sometimes the oath of the spouses, and the testimony of witnesses who testify concerning the religion of those who swear, are sufficient to establish the non-consummation of marriage, as has been decided by the Sacred Congregation of the Council in the case again discussed under the date of June 13, 1896; Acta S. Sedis Vol. 29 p. 543; but all of this seems least applicable in the present case, where neither is fully present, and according to the norms of the Constitution of Benedict XIV, by the mercy of God, and the Instruction of the Sacred Congregation of the Council of 1840, the testimony, as is evident from the records, relates especially to the woman Ida, who, according to the Defender of the Bond, "cannot produce seven witnesses, although she was born and raised in Zagreb"; hence, the judge was obliged to proceed with fewer. Having considered all of this, I believe, always subject to correction and with the best judgment, that in the case in question, there are not just and grave reasons to petition the Most Holy [authority] for a dispensation from a marriage that is valid but not consummated.

REMARKS OF THE DEFENDER OF THE BOND, *ex officio*. In the year 1893, on July 9, Lewis, being twenty-four years of age, and Ida, seventeen years of age, entered into a marriage contract with each other. After the marriage, the spouses lived together peacefully for almost four months, that is, until November 4th of the following year. But on the aforementioned day of

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November 4th, Lewis departed for Ligny-en-Barrois, to earn the necessities of life for himself and his wife; meanwhile, on December 18, 1893, Ida petitioned the ecclesiastical court to annul the marriage. Upon learning of this, Lewis also sought to preserve the marriage. Since learned consultants, theologians and canonists, support the marriage, I refrain from further remarks, lest I...

[*Latin ed. p. 304*]

304 ZAGABRIEN. You will die under the tiles; and, without delay, I demand that the following formula of request be written: "No, and furthermore." For a favorable response would offer a vain hope to married couples and an opportunity for undermining the marriage. Having considered these matters, the following resolution was proposed regarding the question of whether to consult with the Most Holy Office concerning a dispensation from a valid but unconsummated marriage. RESOLUTION. The Sacred Congregation, after discussion, on August 20, 1898, decided to respond: No. FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS, ROMA, July 1, 1898. The brothers Bianchetti, merchants of goods for the manufacture of clothing, deposited in 1892, at the Seminary of St. Pius in Helvetia, a quantity of goods for the use of this Institute, and, with the consent of the Rector, the Reverend Canestrari, the Prefect of the Seminary, Father Fronzi, accepted the deposit with the authority to sell these goods, even with extended payment terms. In 1893, Father Fronzi, having returned to his own affairs, was succeeded in the management and deposit, after having first regulated the accounts of the goods sold and those still remaining, by the student Cerroni, who began to have direct dealings with the Bianchetti merchants, conducting inventories and providing accounts at the end of each year. However, student Cerroni, being compelled to leave the city due to illness, entrusted the management to another student, Pio Cucchi, but, unbeknownst to Cerroni, the student Di... COMPENDIUM OF THE AGREEMENT.

[*Latin ed. p. 305*]

ROME 305. Cecco, who, under this name, acted with the Bianchetti brothers. Di Cecco held the administration from December of the year 1894 until August of the following year, and afterwards he handed it over to the student Bargagnati, with the instruction that he should resign the management into the hands of Cerroni himself. Meanwhile, Cerroni, having recovered his health and returned to the City in November of the year 1895, again held the administration, but, having learned of the improper management of the student Di Cecco, and after examining the accounts of sums received and disbursed, it was found that there was a deficit of 4923.50. For part of this sum, namely for the amount of 1455.50 still to be collected for merchandise sold, Cerroni declared

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that he was indebted to the Bianchetti brothers; for the remaining sum, namely 3468, Cerroni requested an accounting or explanation from the priest Di Cecco, who confessed his debt of 2554 to the Bianchetti brothers. Hence, the remaining sum to be returned consisted of 914, to which the Bianchetti brothers, according to Cerroni, had erroneously added 119.70, so that the deficit in general amounts to 1033.70. Cerroni's debt is now reduced to 408 due to a partial payment already made. The priest Di Cecco, recognizing his debt of 2554, requested a delay in payment and a gradual restitution from the Bianchetti brothers. However, they claim that they must answer for both the sum of 1033.70 and for other sums still not returned by Cerroni and Di Cecco, the Moderators of the Seminary of St. Pius; and therefore, they offered a recourse to the Sacred Congregation of Bishops and Regulars, in order that the Pius Institute be compelled to make restitution. There is no doubt about the credit of the Bianchetti brothers, as is clear from the documents and from the declaration of the Vicariate of the City, to which the question was initially referred; only a dispute could arise concerning the amount of the credit, but this would have to be dealt with in a separate judgment. Acts, Volume XXXI, page 355.

[*Latin ed. p. 306*]

306 ROMANA. The Disputation concerning the IURA FRATRUM BIANCHETTI, which are summarized as follows. First, the Brothers Bianchetti refute the argument presented by the opposing side, namely that the Moderators of Seminaries are not permitted to contract or accept deposits unless with the prior consent of the Bishop and four representatives of the Seminary. The Brothers Bianchetti respond that this pertains to the internal administration of the Seminaries, but does not apply to the providers of goods for the Institute, who are not required to know these laws. Having stated this, the Brothers Bianchetti argue that there are countless circumstances that demonstrate that the Pious Seminary remained obligated in the matter of the deposit of goods. They first recall that the request for the deposit of goods was made to the Rector, Oanestrari, through the recommendation of the Knight Sacchetti; and that, upon the request being granted, the goods were received by the priest Fronzi, and that, since he had not been specifically designated by them for this task, it was understood that he was the Seminary's economist. Furthermore, they state that an entry was made in the administration books for the benefit of the economy of the Pious Seminary. They insist that this is true, to the extent that when the sale of the goods was made directly to the person, Rmi Oanestrari, a special entry was made for him. Moreover, the goods were listed as belonging to the Economy of the Pious Seminary, and when the goods were sent, they were directed to the person designated by the Rector, Oanestrari, to represent the Economy.

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From this, they argue that the priest Fronzi was considered to have been acting as a representative of the Moderator of the Seminary. But what, according to the Brothers Bianchetti, further confirms the matter is the general accounting directly sent to the Seminary's Economy in the year 1893. If the Economy was not obligated towards the Brothers Bianchetti, why was it not rejected? Therefore, by accepting it, it is evident that the Pious Seminary's Moderators assumed an obligation. Finally, the Brothers Bianchetti point out that the deposited goods were used for the benefit of the Institute, and that the depositaries...

[*Latin ed. p. 307*]

ROMANA 507 alumni were under the authority and direction of the Superiors of the Seminary. Therefore, if negligence and irregularities occurred in the sale of goods, it is just that the aforementioned superiors be held responsible, since they themselves were to blame for the damages incurred. OBSERVATIONS *EX OFFICIO*. According to the discipline of the Council of Trent, session XXIII, chapter 18, concerning the reform, care, and legal representation of Seminaries with regard to the administration of temporal affairs, pertains to the Bishop with the counsel of four designated representatives. In the present case, it is certain that the Vicar of the City and the four designated representatives, as is evident from their declaration, never gave their consent for the deposit of the goods of the brothers Bianchetti in the Seminary of St. Pius. Therefore, the Seminary of St. Pius, like a minor, could not have incurred any obligation, since the consent of its legitimate guardians was lacking. Furthermore, the former economist, Rmus Di Fava, and the current economist, Servili Fassi, state that they had no direct relationship with the brothers Bianchetti, and neither of their assertions can be substantiated by any document or letter; therefore, it must be held that the brothers Bianchetti, through error, inscribed the goods with the Economate of the Seminary of St. Pius, with which, or with its managers, no actual direct relationship existed. Moreover, it is falsely asserted that the aforementioned Tridentine provision pertains to the internal administration of the Seminary, while, on the contrary, it establishes a common law for the temporal administration of the Seminary; but it is not permitted to ignore common law. Finally, it is appropriate to note here that the merchants Bianchetti confuse the matter concerning the obligation to answer for the deposit of goods, the Seminary itself, as a legal entity, with its own direction. DEFENSE OF THE REVEREND RECTOR OANESTRARI. Here, on the contrary, in a letter dated June 7, 1896, and in a defensive pamphlet dated September 2, 1897, he argued that he had not incurred any obligation towards the brothers Bianchetti. First, he refutes the letter of the alumnus Cerroni, in which it is stated that the managers or depositaries of the goods were chosen not by the Bianchetti, but by the Moderators of

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the Seminary, and that only the Seminary was deposited.

[*Latin ed. p. 308*]

308 In ROMA, the treasurer has the right to demand the presentation of accounts. The first proposition of Cerroni is refuted by demonstrating falsehood: indeed, when the brothers Bianchetti proposed the sale of goods in the Seminary, only the prefect Fronzi indicated to the treasurer Oanestrari about this sale, granting a dispensation from the prohibitive law regarding such contracts, but he did not give any proper authorization in his own name, nor any mandate; furthermore, the treasurer Oanestrari knew nothing about the successors of the prefect Fronzi. From the second proposition, however, only the culpability of the students Cerroni and Di Cecco is elicited, which they wished to avoid by refunding the money to the Seminary, thereby demonstrating their own loss. Then, the treasurer Oanestrari proceeds to examine the arguments of the brothers Bianchetti. These can easily be reduced to three. 1. The Rector of the Seminary approved the deposit, 2. he designated a person for its custody, 3. everything that was done was known to the Rector Oanestrari, and yet he remained silent. In response to the first argument, he states that he gave no approval, but only indicated a person for the sale of goods. But even if he had given a pretended approval, it does not follow that he should be held responsible for the actions or irregularities committed by the priest Fronzi and his successors; indeed, to give permission to someone to do something is not to give a mandate to do it in one's own name. This, in fact, is what the brothers Bianchetti claim, but they cannot prove it, and the situation is quite different, so the argument presented against them collapses. Regarding the third argument, the treasurer Oanestrari responds. It is true that the brothers Bianchetti, when dealing with Fronzi and others, believed that they were contracting with the treasurer of the Seminary, but this opinion of theirs was erroneous, and it is well known that the saying holds true that our opinion does not change the truth of things; furthermore, an ancient rule of law can be invoked against them, which states that each contracting party must know the condition of the other contracting party. Therefore, if they erroneously believed that they were contracting with the treasurer of the Seminary, when they contracted with Fronzi and others, they must bear the consequences and learn to conduct business better in the future.

[*Latin ed. p. 309*]

ROMANA 309. Neither do the Brothers Bianchetti succeed in their argument, when they adduce that the Rector of Oanestrari was aware of all the actions and irregularities; for he himself responds that this matter was a private affair, and not of the Seminary, and therefore no obligation lay upon him to govern or regulate it. Finally, the Rector of Oanestrari presents the argument of culpability derived from the duty of vigilance over the

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students, to whom deposited funds had been entrusted. This vigilance is incumbent not only upon the Rector, but also upon his Superior, and in this case, the Most Reverend Vicar of the City; therefore, in the hypothesis of the adversaries, the Most Reverend Vicar of the City also ought to answer for the damage caused; which is absurd, and even the adversaries themselves reject it, so that the argument presented, though seemingly plausible, proves nothing. Secondly, vigilance has its limits; it extends to the discipline and internal management of the students in relations between student and student, in the relations of the students with their Superiors, and with the Seminary, but it does not extend to the students' dealings with outsiders; the vigilance proposed by the Brothers Bianchetti would be absurd, and would affect the Rector as if he were the manager and administrator of the students' affairs. Furthermore, it must be added that in the case of the aforementioned vigilance, considering the characteristics of the parties involved, it was entirely superfluous. For on the one hand, there were merchants who were presumed to be highly skilled in commercial matters; on the other hand, the funds were entrusted to persons of mature age, priests, a prefect of the dormitory in the Seminary, and already a canon in his diocese. The object of the contract was a simple one, namely, the sale of goods. From these circumstances, vigilance was rendered useless. These are the principal arguments presented on both sides; having briefly elucidated them, the following question has been raised for consideration: From what source and by what right can the Brothers Bianchetti, as merchants from Helvetia, demand payment in this case?

[*Latin ed. p. 310*]

ROME, July 1, 1898. The Holy Congregation of Bishops and Regulars, having considered a revised question – Whether a Seminary and its Directors or administrators are obligated to pay the sums requested by the Brothers Bianchetti in this case – after mature examination, responded: No, in all respects.

RESOLUTION. FROM THE HOLY CONGREGATION FOR RITES – Letters concerning the use of the Slavic language in the Sacred Liturgy, addressed to the Archbishops, Bishops, and Ordinaries of the provinces of Gorizia, Landren, and Zagreb.

This Holy Congregation has already decreed, on February 13, 1892, the rules which must be observed, and which should be encouraged, concerning the use of the Old Slavic language in the Sacred Liturgy; and it has suitably informed the Southern Slavic Bishops, who preside over the churches, where such a practice has prevailed.

However, concerning this matter, new questions have been proposed to the Apostolic See. His Holiness, Pope Leo XIII, with paternal solicitude for you, in order to clarify and confirm the aforementioned norms, and to remove all perplexity, has ordered that this important matter be submitted

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to the examination of a special group of the Most Reverend Cardinals.

Therefore, after mature deliberation on all matters, and with careful consideration of the Constitutions and Decrees of the Supreme Pontiffs, especially those of Innocent IV, who, in the years 1248 and 1252, granted permission to the Bishops of Siena to use the Slavic language, only in those parts where it is customary, provided that the meaning is not damaged by the variety of the language; also, those of Urban VIII, who, by his order in 1631, had liturgical books in the Glagolitic script printed for the use of churches where it had hitherto been celebrated in that language, unless they preferred Latin; and also those of Benedict XIV, who, in the year 1754, declared a new edition of their books to be authentic, for those who follow the Slavic-Latin rite; and also those of Pius VI, who, in the year 1791, recognized and reprinted the Breviary under his auspices; these Most Reverend Fathers have established the following rules, and His Holiness has ratified them, approved them, and ordered that they be inviolably observed by all in the future.

[*Latin ed. p. 311*]

From the Sacred Regulations, 311 I. The Old Slavonic language must be considered and treated in the sacred liturgy as a real privilege inherently belonging to certain churches, and by no means as a personal privilege, which may pertain to some priests. Therefore, it will be the duty of the bishops to, in each diocese, first compile a list or catalog of all the churches, both individual and collective, which certainly possess, by a duly granted concession, the right to use the Old Slavonic language. Furthermore, to remove any doubts, the proof of the asserted privilege shall be drawn from documents and testimonies, which securely establish and clearly demonstrate that it has been valid and is actually in force for at least thirty years; this period of time is considered sufficient in the present case by a special dispensation from the Holy See. If any controversies or difficulties should arise in this matter of proof, they shall be submitted to the Congregation of Sacred Rites by the bishops, with a clear and distinct explanation of the circumstances for the resolution of each case. II. Once the aforementioned list of privileged churches has been compiled and published, it will be absolutely forbidden to anyone, in other churches, under any pretext or for any reason, to introduce the Old Slavonic language into the sacred liturgy; if anything contrary to this should occur, such actions will be severely punished. III. In the churches mentioned above, which enjoy this privilege, it will be exclusively permitted to perform the Sacred Liturgy and the Divine Office publicly and solemnly in the Old Slavonic language, without any admixture of another language. The books used for the Sacred Liturgy and the Divine Office must be printed in the Glagolitic characters and recognized and approved by the Apostolic See; all other liturgical books, whether printed in another character or without the approval of the Holy See, are absolutely

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forbidden and prohibited. IV. Wherever the people are accustomed to respond to the priest celebrating, or to sing certain parts of the Mass, this may also be done, but only in the Old Slavonic language, in the privileged churches. And to facilitate this, the Ordinary may exclusively permit the faithful to use a manual printed in Latin characters, instead of the Glagolitic ones. V. In the aforementioned churches, which undoubtedly enjoy the concession of the Old Slavonic language, the Ritual must be printed in the Slavonic language.

[*Latin ed. p. 312*]

312 FROM THE CONSTITUTION *SACERDOTALIS CURIAS*, it may be used in the administration of the sacraments and sacramentals, provided that it has been recognized and approved by the Apostolic See.

VI. Bishops shall diligently ensure that the study of the Latin language, as well as the Slavonic language, is promoted in their seminaries, so that there are priests available in each diocese to minister in both languages.

VII. It shall be the duty of the Bishops, before the sacred Ordination, to designate clerics who shall be assigned to parishes that use Latin, or to those that use the Slavonic language, after having explored the desires and dispositions of those to be promoted, unless the needs of the Church require otherwise.

VIII. If any priest, attached to a church where the Latin language is used, is required to serve another church that enjoys the privilege of the Slavonic language, he shall be obliged to celebrate the solemn Mass there and to chant the Divine Office in the Slavonic language; however, it shall be permissible for him to perform the sacred rites and to recite the canonical hours privately in the Latin language. The same shall apply in reverse to a priest attached to a church that uses the Slavonic language, to whom it may happen to have to serve a church that uses Latin.

IX. It shall also be permissible for priests who are attached to churches that use Latin to celebrate a private Mass in the Latin language in a foreign church that enjoys the privilege of the Slavonic language. Conversely, priests attached to churches that use the Slavonic language may privately perform the sacred rites in churches where the Latin language is used, using the same language.

X. Where the practice has become established of chanting the Epistle and Gospel in Slavonic during the solemn Mass, after they have been read in Latin according to the usage of the church itself, this practice may continue to be observed, provided that the Slavonic language is used. However, in parochial Masses, it shall be permissible, after the reading of the Gospel, to read it in the vernacular language, for the instruction of the faithful.

XI. If, in parishes that use the Slavonic language, any of the faithful refuse to have their children baptized unless the baptism is administered accord-

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ing to the Latin rite; or if any refuse to celebrate marriage unless the marriage rite is performed in the Latin language, the pastor shall suitably instruct and admonish them; and if they still persist in their opinion, he shall privately administer baptism or the blessing of marriage in the Latin language. Conversely, in a parish that uses the Latin language, if anyone insists on having the aforementioned rites performed entirely in the Slavonic language, the same shall be done.

[*Latin ed. p. 313*]

FROM THE SACRED CONGREGATION OF RITES, 313 XII. In the preaching of the Word of God, or in other liturgical actions which are not strictly liturgical, the vernacular Slavic language may be used for the benefit and utility of the faithful, provided that the general decrees of this Sacred Congregation of Rites are observed. XIII. Bishops of those regions where the vernacular language is used should strive to ensure a uniform version of prayers and hymns, by which the people are accustomed to pray and sing in their own churches, so that those who pass from one diocese or parish to another will not be offended by the diversity of prayers or hymns. XIV. Liturgical books, containing the vernacular version of liturgical prayers, should only be used privately by the Christian faithful, and must be duly recognized and approved by the Bishops. Given in Rome, from the Secretariat of the Sacred Congregation of Rites, on the 5th of August, in the year 1898. CAMILLUS CARD. MAZZELLA, SECRETARY OF THE SACRED CONGREGATION OF RITES. L. œ S. DIOMEDES PANICI, SECRETARY OF THE SACRED CONGREGATION OF RITES. A QUESTION concerning the solemn Mass in the churches of the Suffragan Sees, with the Metropolitan present. The Most Reverend Cardinal Herbert Vaughan, Archbishop of Westminster, humbly presented the following questions for a suitable solution to the Sacred Congregation of Rites: I. Whether it is fitting for the Metropolitan, whether he holds the dignity of Cardinal or not, to assist at a solemn Mass in the church of a Suffragan, whether celebrated by the Ordinary or by another, with himself present, wearing the mitre and the pluvial? And if so, whether he may also use the crozier, and whether assisting priests should also wear the mitre and the pluvial, and all other things that are fitting for the Ordinary who is assisting at a solemn Mass in his own diocese, wearing the mitre and the pluvial? II. Whether the Metropolitan, whether he is a Cardinal or not, when assisting at a solemn Mass celebrated by the Ordinary or by another, with himself present, in the diocese of a Suffragan, may also use, besides the assisting priests, other assisting priests? III. Whether, in the aforementioned circumstances, the Metropolitan may use a book and a

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lectern for reading the Introit, etc.?

[*Latin ed. p. 314*]

314 FROM THE SACRED CONGREGATION OF RITES, IV. When the Metropolitan, whether Cardinal or not, is present, and a canonical or simple Mass is celebrated by the Ordinary of the place, to whom should the words of the Mass, the ministrations, etc., be directed? V. Whether it is fitting for Bishops, whether suffragan or not, to wear the mozzetta over the rochet and mantelletta when attending a solemn Mass in any cathedral or other church within the province, with the Metropolitan present. And the Sacred Congregation, after careful consideration of the report of the undersigned Secretary, and after a thorough deliberation by the liturgical commission, decided to respond as follows: To I. Affirmative, regarding the first part; and regarding the second part, the Ceremonial of Bishops should be observed; and concerning the use of the pastoral staff, especially for assisting priests, reference should be made to the Decree of the Sacred Congregation of Rites, dated December 16, 1837 (1). To II. As stated in the first. To III. Affirmative. To IV. To the Metropolitan. To V. Reference should be made to the Decrees in Reggio, March 17, 1663, nos. 2; in Milan, March 16, 1833, nos. 1 and 2; and in Liburn, September 23, 1848, no. 2 (2). And thus it responded, on September 13, 1898.

C. CARD. MAZELLA, Prefect.

P. PANICI, Secretary of the Sacred Congregation.

(1) The words of this Decree are: "...Whoever celebrates the Mass, be he who it may, does not begin (the Mass) as a Cardinal. He occupies the Episcopal seat, where, if the Bishop (the Ordinary of the place) does not celebrate, he may have canons assisting him; but when a Bishop celebrates, he cannot have any assisting priests. In neither case, however, is it proper to have a priest assisting in the strict sense—".

(2) The Decree in Reggio (1266-2210) states: "2. Can (the Metropolitan) prohibit the Bishop, when present, from wearing the mozzetta?" Answer: "It is permissible for the Metropolitan to do so." The other Decree in Milan (2706-4709) decreed: "Answer: to 1 and 2. The Bishop can and should use the ordinary attire worn by Bishops in the Roman Curia, that is, the rochet over the cassock and the violet mantelletta." Finally, the Decree in Liburn (2976-5140) states: "2. Can (the Bishop) wear the mozzetta, or rather, should he only wear the mantelletta over the rochet?" Answer: "Negative to the first part; affirmative to the second."

[*Latin ed. p. 315*]

315 FROM THE SACRED RITUALS OF OTRANTO. A question concerning whether the Archdeacon, having assisted the Archishop in the performance of his office, ought to serve the titular Bishop. Whereas, in the Metropolitan Church of Otranto, the Archdeacon, who holds the first

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and only dignity of that kind, was deputed to serve the titular Bishop of Ionopolis, the Reverend Caietan Caporali humbly requested a solution to the following doubts from the Sacred Congregation of Rites: I. Whether the aforementioned titular Bishop ought to serve the Archishop who is officiating in the office of Archdeacon, at the throne, altar, book, incense, sprinkling of holy water, and the offering of peace? II. What parts ought to be performed in the sacred ordinations by the same titular Bishop and Archdeacon? And the aforementioned Sacred Congregation, after hearing the opinion of the Liturgical Commission and carefully considering all matters, decided to respond as follows: Regarding I and II. The Decrees of Mechlin, dated February 24, 1680, and of Milan, dated March 16, 1833, are to be observed (1). And thus it responded on November 12, 1898. C. CARD. MAZZELLA, Prefect of the Sacred Congregation of Rites. L. * S. DIOMEDES PANICI, Secretary of the Sacred Congregation of Rites. NOTICES concerning Masses celebrated in burial chapels; and concerning the distance that ought to exist between the altar and the bodies in cemeteries or churches where burials take place. I. Doubt I. The Decree of Rome, dated January 12, 1897 (2), concerning Masses for the repose of the soul, which are permitted in burial chapels, but prohibited in the same chapel's church or public oratory, has been amended by the Sacred Congregation, so that said Masses ought to be permitted. Note: (1) The Decree of Mechlin declares that these duties are not permitted to a Canon. The other, in Milan, defines that a Canon is not bound to perform these offices. (2) See *Collectio*, Vol. XXIV, pages 62 and 504.

[*Latin ed. p. 316*]

316 From the Sacred Congregation of Rites, Instruction I, concerning privileges related to Masses offered for the repose of the deceased, from the aforementioned Decree (which begins: "Aucto"), a privilege is granted to chapels of the dead, whether those within the main church or oratory of the cemetery itself; or to other churches or chapels located outside the cemetery, provided that a legitimate distance separates them from the remains of a deceased person. Response: Reformed: Affirmative in the first part; Negative in the second.

II. Furthermore, regarding the distance that must exist between the altar and the bodies buried in cemeteries or churches, the following authentic declaration is given by the aforementioned Sacred Congregation: "The Sacred Congregation of Rites has declared that three cubits is approximately one meter in length, and that this distance of the tombs from the altar is sufficient. August 5, 1898."

NOTE: Let readers take heed of the following, for two things are declared therein: 1. The measurement of three cubits is no longer to be observed, but it is sufficient to maintain a distance of approximately one meter; 2. This distance need no longer exist, in order to observe the law, between the steps

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or step of the altar and the buried body; but it is sufficient that a distance exists between the buried body and the altar itself.

From the Sacred Congregation of the Holy Roman Inquisition, regarding the custom of attending any marriages, without delegation from the Bishop or parish priest, by any priest who is able to administer the sacraments that are not proper to Bishops.

Most Blessed Father, the current Archbishop N. N., diligently seeking to ensure the validity of the marriages of the faithful within his jurisdiction, and prostrate at the feet of the Holy See, humbly asks and explains as follows:

In this Diocese, the decree of the Council of Trent concerning clandestine marriages, Chapter Tametsi, is certainly in force. However, in recent years, the opinion has spread among the clergy that any priest of the diocese, exercising the sacred ministry, can validly celebrate the marriages of the faithful, without...

[*Latin ed. p. 317*]

From the Sacred Congregation 317: A special delegate from the Ordinary or the parish priest may assist at marriages, by virtue of the general faculty granted to him to administer all sacraments that do not require the episcopal order. Therefore, many marriages were celebrated throughout this time before priests who were neither delegated by the Ordinary, nor by the parish priest of the place, to assist at those marriages. From certain testimonies, it clearly appears that the preceding Archbishop adhered to this opinion, and on several occasions declared to priests privately that they could safely follow this opinion. Furthermore, the opinion of these many priests of this diocese, it is clear, is not based on any probable foundation, is erroneous, and contradicts the decree of the Council of Trent, Cap. [number missing]. Although, to the aforementioned Archbishop, it appears to be subversive. It is understood that the Ordinary cannot delegate all the priests of the diocese to assist at any marriages, of sponsors who have their legal domicile or quasi-domicile in various parishes. Moreover, even if that right belonged to him, it has been demonstrated that the preceding Archbishop has never, in word or deed, exercised that power. Therefore, the following questions may be proposed:

I. Does the general faculty to administer all sacraments that do not require the episcopal order include the faculty to assist at all marriages of the faithful of the diocese?

II. To the extent that the answer to the first question is negative, what should be done in the case of many marriages contracted without the presence of the proper parish priest or a priest legitimately delegated?

Thursday, September 7, 1898. In the General Congregation, before His Eminence and Reverend Lords, the Cardinals, Inquisitors General for the

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Faith and Morals, having the aforementioned questions proposed, and with the vote of the Reverend Consultors preceding, His Eminences and Reverend Fathers respond as follows:

To I. Negatively, unless it concerns vice-parishes, who are habitually considered to be delegated for their own parish by custom of the diocese.

To II. It is to be requested of the Most Holy Father for the healing at the root of such marriages, until the day of publication of the present decree, by the Archbishop.

[*Latin ed. p. 318*]

318 FROM THE SACRED CONGREGATION OF THE INQUISITION: The following Wednesday, the 9th of the same month of September, in an audience granted by His Most Holy Lordship, Pope Leo XIII, Most Reverend Father, and the Most Reverend Fathers, Assessors, the Most Holy Lordship approved the resolutions of the Most Reverend and Most Reverend Fathers. I, Canon Mancini, Sacred Roman and Universal Inquisitor, pose the following question: Whether, after the Apostolic Constitution, the censures imposed on those who usurp the alms of the Holy Land, and on those who take books out without permission from the library, are still in force, as they have been decreed. Wednesday, the 7th of September, 1898. The Reverend Pro-Vicar General of Udine, with the most humble letters addressed to this Supreme Tribunal, requested that it be declared whether, after the Constitution of Pope Pius IX, by which the sentences of censure are limited, the following two censures are still in force: namely: I. An excommunication, reserved to the Supreme Pontiff, imposed by Benedict XIV by the Constitution *Emanarunt nobis* of August 30, 1746, and by Pope Pius VI by the Constitution *Inter cetera* of July 31, 1778, on those who dare to retain or presume to retain sums of money collected from the alms of the faithful for the Holy Places and those pertaining to the same sacred places. II. An excommunication, imposed by Clement XI by a Brief of August 21, 1711, on those who, without prior permission from the then Patriarch of Aquila, now the Archbishop of Udine, dare to take, remove, lend, etc., books, manuscripts, and folios that are in the then Patriarchal Library, now the Archdiocesan Library of Udine. Furthermore, in the General Congregation held by the Most Reverend and Most Reverend Cardinals, General Inquisitors for matters of faith and morals, with the aforementioned questions proposed, and with the vote of the Most Reverend Consultors preceding, the same Most Reverend Fathers ordered that an answer be given: To I. Let the Decree of June 28, 1876, be given, which reads as follows: "The Constitutions of the Supreme Pontiffs against those who occupy and retain the alms and goods pertaining to the Holy Land are entirely in force; however, the sentences of censure are not in force, unless those which are included in chapter 11 of Session 22 of the Council of Trent."

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To II. Affirmative.

[*Latin ed. p. 319*]

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 319. On the following Thursday, the 9th of the same month of September, during the customary audience granted to the Reverend Father Assessor, a report concerning these matters was presented to the Most Holy Lord Pope Leo, Divine Providence, Pope XIII, and the Most Holy Fathers reached a resolution, which was approved and confirmed by them. Rev. Fr. Mancini, Secretary of the Holy Roman and Universal Inquisition. FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, A QUERY: It is asked whether the Sacrament of Extreme Unction and ecclesiastical burial can be administered to those addicted to the secret society of the "Old Fellows," who, being near death, have not given any prior sign of repentance. To the Most Reverend Lord, Joseph Medard Emard, Bishop of Campivallensi. Most Reverend Lord, In letters dated April 4th, Your Eminence explained that a certain man, belonging to the secret society of the "Old Fellows," has approached death without having given any prior sign of repentance; and asks: 1. Whether, in such cases, it is permissible to administer the Sacrament of Extreme Unction and to perform the public ceremonies, as with other Catholics? 2. What concerning ecclesiastical burial, both with regard to the ceremonies in the Church, and with regard to the place in the cemetery? Furthermore, since the society called "Old Fellows" in English is condemned by the Apostolic See, the same rule must be observed for those who are members of it, as for those addicted to other sects condemned by the Apostolic See. Namely, to those addicted to such societies, if they are notorious, neither the sacraments, nor the funeral rites, nor ecclesiastical burial can be granted, unless, after due retraction, they have been reconciled to God and to the Church through absolution. However, if these individuals, although unable to properly make a retraction before death, nevertheless have given signs of repentance and devotion before their death, then ecclesiastical burial can be granted to them, but with the prohibition of ecclesiastical pomp and solemnities of the funeral.

[*Latin ed. p. 320*]

320 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. Meanwhile, I pray to God that He may preserve you for a long time. Rome, on the 10th of May, 1898. Most Reverend Sir, Your most devoted and obedient servant, M. Cardinal LEDOCHOWSKI, Prefect. Archbishop LARISSEN, Secretary. Circular letters to the Ordinaries of Italy, concerning the matter of not promoting foreign clerics to the sacred orders without testimonial letters. Most Reverend and Reverend Lord, Since grave inconveniences, especially in these recent times, have been

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deplored in the United States of America, due to the improper conduct of certain priests, who, although foreign and frequently from Poland, were ordained in Italy and then migrated to America, and sometimes even received testimonial letters from some Italian Bishops; His Holiness Pope Leo XIII, in an audience on the 26th of April, 1898, ordered that, through this Sacred Congregation for the Propagation of the Faith, the Ordinaries of Italy be warned not to admit young men who are foreigners, especially those from Poland, to the sacred orders without authentic testimonial letters from their own Ordinary, and not to commend them to Bishops of America without the prior permission of the aforementioned Sacred Congregation. While I signify to Your Eminence the will of His Holiness, I pray to God that He may preserve you for a long time. Given at Rome, in the offices of the Sacred Congregation for the Propagation of the Faith, on the 2nd of May, 1898. Your Eminence's most devoted and obedient servant, M. Cardinal LEDOCHOWSKI, Prefect.

[*Latin ed. p. 321*]

321 Letters from His Holiness Pope Leo XIII to the Ordinaries of Latin America who are to convene in Rome for deliberations among themselves. As we recall the course of Our Pontificate, we seem to have neglected nothing that pertains to the strengthening of these nations and the promotion of the Kingdom of Christ. Indeed, the things which, with God's help, we have accomplished thus far for your cause remain in your memory and bring you grace, Venerable Brothers; to whose care and diligence We have commendably entrusted the duties of Our Providence. — Now, however, We desire to offer a new expression of Our zeal for Our work; a desire which has been long held by Us. For since the time when the secular celebrations marking the fourth centenary of the discovery of America were held, We have diligently considered how We might, through common deliberations, bring about a new and fruitful union among those who bear the Latin name, representing nearly half of the world. We perceived that the best way to achieve this would be if those of you who are Bishops from these nations were convened in consultation, invited and authorized by Us. For We understood that, by sharing counsel and the fruits of prudence which each of you has gained from your experience, it would be fittingly provided for, so that among these nations, which are either certainly of related origin or closely connected, the unity of ecclesiastical discipline might be preserved, and that the morals worthy of the Catholic profession might flourish, and that the Church might publicly prosper through the sincere efforts of the good. It also greatly persuaded Us to undertake this plan, which you, when consulted, have received with great approval. — Now, as the time for the completion of this matter has arrived, We have given you the choice, Venerable Brothers, to select the place where this assembly should be held. Furthermore, you have indicated that you would prefer

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to convene in Rome, for which reason, among other things, it is easier for many of you to reach here than to travel to some distant American city, due to the difficult routes. To this declaration of your sentiments, which clearly indicated your love for the Apostolic See, We could not but add Our great approval. Although We are mindful of Our present condition, which deprives Us of the ability to receive you in Rome as liberally and honorably as We would wish. Therefore, the Sacred Council of Trent, Volume XXXI, section CCCLXVI. 21

[*Latin ed. p. 322*]

322 Letters provide guidance in interpreting the decrees, and We have commanded that a council of all bishops be convened in Rome next year, concerning matters of public life in America, and that it appropriately prescribe what ought to be directed towards the laws. In the meantime, under the auspices of the heavenly powers, and as a witness to Our benevolence, We impart to you, Venerable Brothers, and to the clergy and people, Our Apostolic blessing, most lovingly. Given at Rome, at St. Peter's, on this day, the birthday of Our Lord Jesus Christ, in the year 1898, in the twenty-first year of Our pontificate. LEO XIII, Pope. FROM THE HOLY CONGREGATION FOR THE COUNCIL OF POTENTINA, DECREED ON JULY 16, 1898. Session 24, Chapter 12, Concerning reforms. SUMMARY OF FACTS. In the Cathedral Church of Potentina, priests devoted to the divine cult and other spiritual duties were enrolled, up to the year 1221, in an uncertain number; but when Bishop Garzia was seated, at this precise time, the number of canons was established at twelve, to whom, however, chaplains, in an undetermined number, continued to minister until our time; therefore, this church was counted among the unnumbered benefices, according to the accepted customs in the southern regions of Italy; so that two other unnumbered benefices were also located in the same city of Potentina. Certainly, the number of canons increased with another addition, with six canons added by the Bishop Melendez through his own foundation records in the year 1742. Thus, the chapter of the cathedral church comprised twenty-eight canons, in addition to the chaplains attached to the unnumbered benefice.

[*Latin ed. p. 323*]

POTENTINA 325 Although it may not have been established by law, it was certainly customary in the Chapter that no one should be appointed to a canonry unless he had previously been admitted as a chaplain, and that the chaplains should not receive any income from the common fund unless they had previously devoted their services gratuitously for a certain period. Furthermore, the canons contend, presenting one and another document, that from the very beginning, they have exercised the right to admit clerics among the chaplains, and also to elect canons from among the chaplains

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legitimately admitted, always with the presentation to the Bishop, so that the elected might be confirmed. Because, through the celebrated Brief *Immensa*, issued by the authority of Pius VII in the year 1819, the ecclesiastical institutions in the Kingdom of Naples were subjected to new laws. The canons strive to completely nullify the force of this document, denying that it was ever promulgated in the Church of Potentina, and they also object that the long-standing custom is entirely contrary to such a law, which, even if it existed, would have precedence. The unfortunate laws of August 5, 1867, which overturned ecclesiastical affairs in the Italian Kingdom, reduced the number of canons to twelve, leaving six chaplains who would perform the duties of the mansionaries. But at the time when these laws were enacted, there were sixty-four priests registered in the Church of Potentina, so it was clear that a long time would pass before anyone could be appointed to a canonry in the Church of Potentina. Discouraged by the lack of adequate means of support in the clerical order, few citizens of Potentina entered the clerical profession. Michael Padula, having begun his studies with the order of subdeacon in 1886, petitioned the Chapter to be added to the Church; but, unfortunately, the capitulars objected, arguing that there were still so many survivors of the laws that had been overturned, that they exceeded the number established. Because in the year 1896, there were only eight canons and seven chaplains (the others having passed away); and nevertheless, they refused to admit Michael Padula as a canon, so that the Bishop intervened to ensure that Padula would renounce the canonry.

[*Latin ed. p. 324*]

324 POTENTINA having obtained from the Holy See legitimate letters of institution. The Chapter officials opposed the execution of these letters before the royal administration of Riez, preventing its customary enforcement. The Bishop reported the conduct of the Chapter officials to the Congregation of the Holy Office, who responded that the Canons had incurred excommunication, and granted the Bishop the power to absolve them. However, the Canons, striving with all their might to cleanse themselves of this stain, maintained that they had opposed the letters because they were invalid and null, due to fraud and deceit. This question, concerning the collation of the Canonry, was presented to the procurators in two doubts: I. Whether the election of the priest Michael Padula to the Canonry of the Cathedral Church of Potentina is valid in this case. II. And, assuming an affirmative answer to the first question, whether the aforementioned priest Michael Padula is obligated to serve the same Church for the duration prescribed by custom, before being admitted to the full participation of its revenues in this case. In a concise argument, the Canons, through their appointed procurator, stated that the Presbyter Padula's prayers were not considered by the Chapter under any circumstances; for, since the Orator already knew that the Canonry

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had been obtained from the Holy See through the Bishop, before even requesting admission, he abstained from any admission to the Chapter, so that this fact would never be invoked against him, in order to invalidate the right of admission, which, through an unforgettable custom, belongs to him. Regarding the merits of the case, the procurator argued that there was no valid collation, because it should have been carried out by the Chapter, with the presentation and confirmation from the Most Reverend Bishop; and that one could not be named to the Canonry who was entirely foreign to the Church, namely, one who had not previously obtained admission to the Chapter's clergy. Regarding the first part of the question, the orator noted that a principle is present and established in canon law, namely, that the power to confer benefices does not pertain to the Episcopal order, DEFENSE OF THE CANONS.

[*Latin ed. p. 325*]

POTENTIALITY 325, or pertaining to the essential elements of ordinary episcopal jurisdiction. In reality, this is attested by the Rota in Decision 15, n. 5, p. 3, as follows: "To confer benefices is not an act of the order [of priesthood], but of jurisdiction; therefore, even those who have no order can, at times, confer them." Laurenius teaches that the collation of benefices is a concession of the law, stating: "Who is, and what is, an ordinary collator? I answer: He who, by his own right, confers benefices, even if he has no jurisdiction; and whether he has this power of conferring by law, or by prescription, custom, or privilege." The speaker adds the teaching of Riganti: "Whether authorities, or examples, or considerations of reason are presented, it must be affirmed that the collation of benefices has nothing in common with jurisdiction. This opinion was held by Ioannes Andreas, Pavinus..., Rebuflus (in practice, title on devolution, n. 89), stating: 'To confer is not an act of episcopal jurisdiction, but is a certain external faculty' (Lotterius 1, 1, quaest. 21, n. 34), and extensively in 1, 2, q. 2, n. 5 and following. Fermosinus (on the chapter when the see is vacant, quaest. 23, n. 7), Solerius (in additions to the pastoral, on benefices, 1, 3, final title, letter D). And this is better confirmed by examples. The bishop, resigning his church, administers the things pertaining to jurisdiction until a successor arrives, and yet he does not, in the least, confer benefices. A general jurisdiction granted to a vicar is not considered to be a grant of the right to confer, because that does not fall under the general disposition, unless it is specifically expressed. It is stipulated in the law that the chapter succeeds to the universal episcopal jurisdiction when the see is vacant: and yet, nowhere is it stipulated in the law that the chapter, when the see is vacant, acts as a substitute for the bishop in the collation of benefices. Finally, we see that the Supreme Pontiff grants to cardinals universal jurisdiction in their titles, and yet they cannot confer benefices, unless the Pope specifically grants it. And the reason for all this is that it cannot be demonstrated from any canon

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that the bishop has the right to confer benefices by the law of magistracy. Nor do all things that belong to the bishop belong by the law of magistracy.

[*Latin ed. p. 326*]

526 POTENTINA (Lotterius, quaest. 2, p. 2) Solier, whom he says was the best speaker on these matters, expressed himself in these words: "The collation of benefices does not pertain to jurisdiction, since it does not belong to the bishop by right of magistracy, but by a special concession of the law, without empire or jurisdiction." Based on the authorities cited, the speaker believes that there is a clear rule that the collation of canonries and dignities in cathedral churches pertains to the simultaneous collation by the bishop and the chapter (chap. Concerning requests for grants). Furthermore, the gloss and the canonists in chap. *Cum Ecclesia Vulterrana*, concerning elections, state that this rule is so consonant with reason that nothing is more so; for, because of the union that exists and ought to exist between the bishop, as the head, and the canons of his cathedral, as members, it is fitting that, unless with the common consent of those members, an election is made, so that no persons, disagreeable to the bishop or to the chapter, are admitted as canons, as Gonzalez rightly observes (ad regulas, 8, Cancellariae, gloss. 45, ad 46) and Lotterius (de beneficiis, I, 11, chap. 21, n. 135). The speaker argues that a stronger argument can be drawn from the contrary custom, which favors the chapter in the granting of canonries, a custom that, beyond what is unreasonable, originated from the mere reception of the Cathedral of Potentina, and which was solemnly confirmed by a public instrument in the year 1314. The advocate believes that this custom, which grants a prerogative to the chapter, is not unreasonable, since the Rota, in Decision 635, n. 4, part 18, recently, has taught that the benefices and prebends of cathedral churches are not freely subject to the bishop's collation by common law, citing Gonzalez, gloss 45, n. 35; and in another Decision, 244, recently, June 4, 1670, it held that: "Although, by disposition of common law, it is no longer disputed among doctors that a simultaneous right is established between the bishop and the chapter to confer such rights, as has often been decided by the Rota (as in Decisions 22, 56, 980, and 95), nevertheless this does not apply whenever the chapter..."

[*Latin ed. p. 327*]

"The custom is that the chapter usually confers canonical prebends and dignities, without the Bishop's intervention." Similarly, in d. 121, part. 19 recent, it is stated: "Although, by law, the conferral of canonical prebends in a cathedral is presumed to pertain simultaneously to the Bishop and the chapter (as is commonly received through the gloss in cap. Cum Ecclesia Vulterrana concerning elections, decision of the Rota, 124, n. 1, p. 3 recent), custom must nevertheless be considered in the opposite sense: namely, that the conferral pertains either solely to the Bishop, without the intervention

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of the chapter, or, conversely, solely to the chapter, excluding the Bishop. The gloss in the last chapter states that this custom is not unreasonable, and Barbosa, in *De Potestate Episcopi*, alleg. 127, n. 9 and 10, makes a similar observation. Furthermore, it is noted that this custom wonderfully suits the nature of the cathedral church of Potentina, for in collegiate churches, the election pertains to those who participate, without any interference or dependence from the Bishop, because it is proper for those who participate to have the right to administer the goods of the common fund and to distribute the revenues. Indeed, the advocate argues, if it could be proven that the opposite custom prevailed, it would strongly contradict the nature of a collegiate church, because, unless by abuse, the right to confer a canonical prebend cannot be conceived as belonging solely to the Bishop. Moreover, if it were the case that the canonical prebends existing in a church, especially a cathedral, were established and are so established solely from the revenues of the church itself, and not from the Bishop's table or from common funds, as is most clearly evident from the very Bull of Bishop Melendez concerning the erection of six new canonical prebends, the endowments of which, without any modification, were established to be assigned to each of the elected or to be elected, this would be a strong argument. Turning to the second condition, namely that someone who is not a member of the church's clergy cannot be elected to a canonical prebend, it is wonderfully confirmed by a document from the year 1314, in which testimony is given concerning the very ancient custom, concerning this very point."

[*Latin ed. p. 328*]

328 It is alleged, and indeed it is evident even to the present day, that a certain agreement was made, as follows: "Considering that the number of Canons is burdensome to the Churches and often causes confusion; also considering that the resources of said Church are not sufficient to support the large number of Canons; and also considering that the number twelve, which is frequently approved in Holy Scripture, both in the New and Old Testaments, establishes and ordains a certain and orderly number of Canons, therefore, twelve Canons in the aforementioned Church of Potentina shall be observed from that time forward and perpetually in the aforementioned Church; and concerning these twelve Canons, if any one of them should leave or die, the remaining Canons shall be obliged to elect another Cleric, and the elected one shall be presented to the Bishop who is in office at that time, and by him confirmed as a Canon." To this agreement, the parties involved wished to add further strength, as the speaker argues, so that for greater caution, not only was the approval of the Archbishop Archerontinus, the Metropolitan, obtained, but also it was confirmed by a solemn oath and the penalty of excommunication for failing to comply. "Nevertheless, we, and the aforementioned twelve Canons, who are now

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in our aforementioned Church, have sworn to maintain, defend, and perpetually and inviolably observe the number of twelve Canons, obligating ourselves and our successors, that if anything should happen contrary to the aforementioned, or anything else that is due by law or by fact, the aforementioned penalty of one hundred ounces of gold shall be paid to the Reverend Chamber; and the aforementioned Notary has received from us, on behalf of the aforementioned Reverend Chamber, the sum mentioned above, as a testimony and a perpetual memorial of this agreement, and for the caution of the aforementioned Lord Bishop and the aforementioned Canons, this public instrument concerning the aforementioned agreement, etc." Because it is stated that the Canons are to be chosen from the Clerics of the Church, the speaker notes that a preliminary aggregation is therefore necessary in order to obtain the Canonry, so that...

[*Latin ed. p. 329*]

Whatever the reason, if there is a deficiency, the election for the canonry must certainly be declared null and void. According to the documents presented, the patron argues, the aggregations were always made by the chapter up to the year 1869, and indeed, the priest Padula himself testifies to this in a supplication to the chapter, saying: "The undersigned, in obedience to the customs of this collegiate cathedral of Potenza, humbly requests that the Most Reverend Fathers deign to admit him into the chapter of the same." Furthermore, the orator argues, the *Breve Impensa* of the year 1819 cannot be invoked to undermine the established custom. For it was neither promulgated in the Diocese of Potenza, nor can it be promulgated in the future, because, as is clear from the circulars transmitted at that time by the Government, promulgation must precede from the Bishop, and since, according to the aforementioned Bishop, residing in Planum, this has not yet occurred, it follows that, to the present day, the ancient order of the Church has not been altered in any way. Moreover, the advocate notes that the *Breve Impensa* cannot at all be invoked, because it is not a matter of a simple aggregation, but rather of an election to the canonry, that is, to positions of greater importance in cathedral or collegiate churches, which, despite the aforementioned promulgation of the *Breve*, it has been declared that their nature must follow the established order, unless they have received a modification from the Bishop. Thus it is read in the Ministerial declaration of March 13, 1830. Furthermore, the patron argues, although the provisions of the *Breve Impensa* cannot be invoked in this case, it must be noted that, due to the numerous aggregations made by the Chapter from the year 1819 up to the year 1869, a legitimate prescription in his favor has been established. This custom, the advocate notes, is more easily proven, especially in the case of a mere collegiate church, to which neither a privilege nor any custom, but its very nature, exclusively confers the right to make aggregations. Furthermore, the patron says, it is certainly of no

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consequence if aggregations are made.

[*Latin ed. p. 330*]

330 The power, rather than being exercised by the Bishop, should be exercised by the Chapter. Therefore, the advocate argues, in order that this established right, or custom, of aggregation within the Chapter may be rendered null and void, it would be necessary to demonstrate that it has completely lapsed through disuse, since the Bishop, within the time prescribed by law, freely and exclusively exercised this right. However, the advocate points out that, in fact, from the year 1819 until the present time, no aggregation has been made by the Bishop, and therefore, the contrary and most ancient custom favors the Chapter and continues to do so. Furthermore, it is truly astonishing that, after the year 1869, no new aggregations are recorded; for this must be attributed either to the declining spirit of religion, or to the scarcity of revenues, or finally, to the deplorable condition of the Seminary. Regarding the second point in question, the advocate states that nothing has been more clearly demonstrated in fact than that all those who have been and are co-opted into the Chapter's clergy are obligated to serve the Cathedral Church for a period of time prescribed by custom, that is, for nine or at least six years, before they are admitted to full participation [in the Chapter's revenues]. And this is proven by a passage excerpted from the most ancient summary in the case, which took place in the preceding century among the canons of the same Cathedral Church, before the Most Holy Congregation of Bishops and Regular Canons. This is confirmed by various testimonies formally presented in that judgment by certain canons of the same Cathedral Church. And indeed, among others, the canon Nicolò Benincasa, questioned by the Vicar Capitular and Apostolic Delegate, as to how the Dignitaries, Canons, and Presbyters are admitted to participate in the fruits of the Chapter's Table, replied: "According to ancient custom, the presbyters must serve the Church for nine years in order to enjoy the full share." However, according to the judgment pronounced in this case on July 5, 1720, the time of service to be rendered to the Church, before being admitted to participation in the Chapter's Mass, as stated in the Charter and the Partitions, was recognized or limited to six years.

[*Latin ed. p. 331*]

For 331 years, it was read: "We declare, we decree, we pronounce, and we definitively judge that the Statutes and Constitutions of this Cathedral Church concerning the aforementioned service of six years, to be performed by any new Canon, or holder of an office, before being admitted to participation in said Chapter Mass, as stated in the Charters and Articles of the same Cathedral, shall be observed and fulfilled in all and each of their parts and chapters, as We command them to be observed

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and fulfilled, and We wish and command that they be considered as having been observed and fulfilled." And since the defendant, Canon Borsa, had already obtained participation in the Chapter Mass, by virtue of the aforementioned gracious admission reported by him in the General Chapter on December 20th of the preceding year, 1719, the aforementioned sentence declared that this admission was of no validity, efficacy, or subsistence, and it was decreed that it should be considered as not having taken place, and perpetual silence was imposed upon the aforementioned Canon Borsa concerning the aforementioned matters, and he was condemned to pay the costs. Whether the term of service is estimated at six or nine years, the lawyer argues, the necessity of performing the service cannot be called into question, especially in light of a rescript from the Sacred Penitentiary of August 11, 1873, concerning this matter, in which, since a controversy regarding the time of service to be performed had been brought before the secular tribunal with contempt for ecclesiastical censure, the Sacred Penitentiary decreed: "The Sacred Penitentiary, with special and express Apostolic authority, grants to the Most Reverend Father Bishop of Potenza, considering the aforementioned circumstances, the faculty to absolve, with Apostolic authority, all and each of those who are culpable in the aforementioned matters, either by themselves or through another and suitable ecclesiastical person appointed by him for this purpose, from ecclesiastical censures and penalties incurred in any way for the aforementioned reasons. And to grant them, with the same Apostolic authority, merciful dispensation regarding any irregularity, contracted in any way through the violation of the aforementioned censures, along with the appropriate salutary penance and reparation of the scandal."

[*Latin ed. p. 332*]

332. "The Pontifical declaration establishes that any judgment rendered by lay judges concerning a Church matter is null and entirely void, and that those judges must return to the state in which things were before the dispute arose, and that the judgment of the competent ecclesiastical authority must be upheld, or the settlement proposed by the Bishop, insofar as it requires approval from the Holy See." *DEFENSIO CANONICI PADULA*. On the other hand, the priest from Padula observed that in this matter, one must adhere to the prescription of the Brief *Impensa*, which ordered that: "In the future (namely, from the year 1819), only priests and clerics who have been found to be more pleasing to the Venerable Archbishops and Bishops, or to the local Ordinaries, in piety and doctrine, shall be admitted to accept positions in parish churches." And at the beginning of the Brief, it was stated: "In order to promote what will contribute to the benefit and better governance of even the smaller churches, it is necessary to establish some norm by which, with all personal considerations set aside, such

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presbyters shall be added to churches of this kind." Padula observed that these prescriptions were accompanied by clauses that derogated from each law or custom, even if they were sworn. Therefore, the condition for being added to the clergy of any parish church is that this must be done by the authority of the Bishop. The priest from Padula argued that it would not be helpful to prove a contrary custom, because this would have to be called a corruption of the law or a source of abuses, which the Brief *Impensa* sought to eliminate. However, the opposing party argued that it was permissible to allege both the contrary custom and the very defect in the promulgation of the Brief, referring to the fact that, in the diocesan synod held in the year 1834, the canons had subscribed to this text, Session III, chapter 3, page 111, namely: "Since, after consulting the Episcopal Commission, in accordance with the norm of the Brief *Impensa*, and the General Royal Instructions (of November 18, 1822), it has been decided concerning the parish clergy of cathedrals or collegiate churches..."

[*Latin ed. p. 333*]

We desire, and command that the regulations concerning the *concursus* (competitive examinations) be observed (from March 13, 1830), and that they be strictly adhered to, while the freedom of aggregation, election, and presentation, if any exist, remains intact, both in our Cathedral and in Collegiate Churches. Otherwise, those who do not participate will be considered to have forfeited their right to participate in the future.

The priest notes that the words "while the freedom of aggregation, election, and presentation, if any exist, remains intact" must be carefully considered.

The priest recalls that the law of the *concursus* was introduced in received churches according to the acts of the Synods; and therefore, these churches were subsequently treated as numbered, in which certain portions were obtained by one among the candidates, and not by all as before. This is cautioned in the instructions issued for the implementation of the *Breve Impensa*.

The speaker points out that, according to custom, if the *Breve Impensa* was prescribed by the act of aggregation, then, since no other aggregations have been made since 1864 until the present day, it must be said that the right to aggregate has lapsed and has begun to be valid again with the *Breve Impensa*.

However, the opponent argues that no *concursus* should be required, if the matter concerns a cleric already ordained to the priesthood and who is to receive a larger portion [of the benefice]. This is confirmed by the Commission of Bishops, presided over by the Apostolic Nuncio, in 1829.

From these statements, the opponent concludes that it is superfluous to inquire whether aggregation should precede collation. For since aggrega-

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tion pertains to the Bishop, it is confused with the collation itself.

Furthermore, the right to aggregate was exercised with regard to received clergy who were not numbered, but not at all with regard to canonries, which were always distinct from chaplains, that is, from received clergy who were not numbered.

Regarding the obligation to provide free service to the Church for a certain time, the speaker argues: it cannot be just if it is contrary to the law. But after the *Breve Impensa*, all service is...

[*Latin ed. p. 334*]

334 The statutory and gratuit position has been abolished, according to the opinion of the Commission of Bishops. Moreover, if the custom of serving gratuitously for many years were to be admitted, this has already been done by the priest Padula for 10 years, with the favor of the Church of Potenza. From the documents contained in the file of proceedings, Michael Padula, who currently holds the office of Episcopal Chancellor, is highly praised for the concern he has consistently shown from the beginning of his priesthood for the salvation of souls; and the Bishop affirms that these testimonies are true, strongly recommending the same priest. Since the matter at hand concerns the reason for the Bishop's granting of the benefice, it is appropriate to know the arguments that he explained, writing to the civil authority to ensure the expeditious execution of the collation against the canonical opponents. The letter sent to Potenza on November 5, 1896, is as follows: "In response to the noted communication sent to me by Your Illustrious Lordship, I take the liberty of presenting some reflections, which are best suited to support the nomination of the priest Michele Padula as a canon of the Cathedral of Potenza." "Out of a sense of duty and loyalty, I allow myself to consider this nomination in its threefold relationship: 1st, with the common right; 2nd, with the special right of the ancient prebends; 3rd, with the present conditions of right and fact of the Cathedral of Potenza." "All the canonries of this Church, which certainly are not of the right of patronage, cannot be considered, nor are they truly of any other nature than of free collation, either by the Bishop or by the Holy See: whether by devolution, or by any other title whatsoever; and I, as in the past, so also this time, freely and with full awareness of exercising my right, have provided this Church with another canon, in the person of the Reverend Michele Padula."

[*Latin ed. p. 335*]

It is in vain that one might object that, since these individuals are not included among those aggregated to the clergy of the Cathedral, the Bishop cannot designate them to a canonry without exceeding the bounds of his authority; for, as far as I know, there is no law that has sought to restrict the right of appointment that local ordinaries possess to such narrow limits.

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Nor have I been the first to exercise such a right, of which very clear predecessors of mine made use long before me, without any objection; although, in past ages, the number of chaplains promoted to a canonry may have been no less than it is today. Indeed, in 1825, the Reverend Giuseppe Antonio Giambroconio, who was not aggregated to the Cathedral, was promoted to the rank of Canon Theologian of the same Cathedral by the Bishop, Monsignor Marolda; and, as required by law, a competitive examination preceded this, but this does not exclude the concept of free collation. The same occurred with the Archpriest De Caniis, who was transferred by the will of the Bishop from the Church of the Trinity to that of the Cathedral. The same was true of the Archdeacon Penna, who was appointed from the clergy of the Church of Saint Michael. And I cannot say how many others there were. And irrefutable, luminous documents lie quietly in the unpublished manuscripts of the three churches. And now, is the canonicity of the appointment of the Reverend Padula to be called into question? Who, moreover, is a simple priest for no less than ten years, entirely devoid of any benefice, unlike all the other priests of the city who enjoyed the goods of the Church from the very beginning of their priesthood; and to whom (it should be noted, goods) I did not extend my invitation except after the ignoble refusal opposed by two of those aggregated, or chaplains, existing in the Cathedral. Oh! Was I perhaps given the mandate to close this church by never again replacing any of the living for those who die?

2°. But the most convoluted argument of the facile contradictors, if I am not mistaken, arises from the quality of the recipient church, which constitutes the origin of the pride of this Cathedral; and it is precisely on this precarious ground that they love to...

[*Latin ed. p. 336*]

336 "It is incumbent upon them to observe and to induce others to examine and resolve the matter in question. Nor, even from this point of view, does it seem to me that the appointment of the new Canon can be legally contested, even though he was not previously incorporated into the Cathedral Chapter." "I could here, for the complete justification of my conduct, point out that, after the Law of August 15, 1867, by which all recipient churches in the kingdom were suppressed, this Cathedral Church must be considered suppressed and extinct in its former capacity as a recipient church, and can therefore no longer claim any rights other than those of a Cathedral Church, and nothing else. I could here recall that the organic statutes of all recipient churches were already abolished by the Decree of February 17, 1871, Section Civil, June 14, 1888. The Supreme Court of Rome, Year XIII, page 351. Therefore, no one can reasonably believe that the Royal Government would censure a canonical appointment made rather according to the provisions of Canon Law preserved by the Civil Laws of the Kingdom, than according to regulations that have been abolished and

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annulled." "Finally, I could observe that every priest, by the very fact of Holy Orders, is directly incardinated to his church of origin, unless he has reason to belong to another church: therefore, he is thereby incorporated, or incorporable, into the respective clergy. Council of Trent, Session XXIII, de Refor. passim." "However, setting aside such considerations, I beg Your Eminence to reflect only that the appointment of the Padula was made no more and no less than in conformity with the ancient Laws, or Statutes, or customs, by which a recipient church could be governed, to the extent that they are compatible with the changed circumstances of times and things, as a result of the Civil Laws in force, which the ecclesiastical jurisprudence cannot ignore, especially in matters concerning benefices." "Indeed, it is well known that, by virtue of the famous Brief..."

[*Latin ed. p. 337*]

POTENTINA 337. Apostolic Instruction of Pope Pius VII, August 13, 1819, prompted by King Ferdinand I concerning the good governance of the Churches of the former Kingdom of Naples, and in accordance with the instructions of the Commission of Bishops duly approved by the King on November 18, 1822, no cleric or priest could be admitted to participation in the recipient churches, unless after the authorization of the respective Diocesan Ordinary (Salzano, *Diritto Canonico*, vol. II, Lesson XXV). Therefore, one could not be considered admitted who had not obtained the competent approval of the Bishop, and conversely, one could not be excluded from admission who had been duly deemed worthy by the Bishop. "What, then, is found in our case? It is not a simple act of appointment by the local Ordinary, but rather a Bull issued by the Supreme Authority of the Holy See; and even this will not suffice, for the appointed canon to be immediately admitted to the Chapter?" It is true that in the Church of Potenza, every new admission occurred only through the unanimous vote of the Chapter, but, setting aside the tacit consent of the Bishop, which cannot be lacking, as will be evident from what will be proven hereinafter, the aforementioned procedure took place only for chaplains, and not for canons, as is evident from the aforementioned cases of Giambrocono, Penna, and De Caniis. 3°. In any case, because I prefer the not entirely innocent sophisms, of which the logic of the opponents stumbles, I ask permission of Your Most Illustrious Lordship to pose a very simple question to myself. Is or is not the Cathedral Church of Potenza a recipient church? And to what extent could the quality of being a recipient church be compatible today with that of being a Cathedral? "As for me, who am not averse to prudent concessions, recalling the decree of February 17, 1871, by which, although reaffirming the validity of the dispatch of August 26, 1797, made for the Neapolitan provinces, the tacit and total abrogation of the Bull *Impensa*

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was not intended, as stated in *Acta*, vol. XXXI, page 366."

[*Latin ed. p. 338*]

338 POTENTINA, in the same provinces (Section Civ. May 1, 1891, The Supreme Court of Rome, year XVI, Part 1, Page 134); I fully concede that it may nevertheless be considered a "receptive" church of our Church. But can it still be called an innumerable, or more precisely, a numbered "receptive" church? To assert that the Potentina Cathedral is still today an innumerable "receptive" church would be, to put it mildly, an intolerable absurdity in both law and fact. In fact: and it is claimed that the clergy of the Cathedral is innumerable, when, following the decreed suppression of 1867, they never admitted anyone beyond the legal number, despite the fact that there was only one local priest, namely Michele Padula, whose troublesome request for admission, presented ten years ago to the Head of the Chapter, was inexorably consigned to oblivion. In law: and there is no doubt that, by civil law, every Cathedral clergy, including Canons and Chaplains, must not exceed the number of eighteen. Moreover, by Church law as well, an innumerable number is expressly forbidden, as stated in the aforementioned Brief, which, along with other sovereign instructions, formed the supreme rule for the churches of the Neapolitan region. There was, I do not deny, in this city a practice contrary to that Brief; but I consider it sufficient for now to point out that no one can boast of a practice, however long or secular, unless the harmlessness of its law has been demonstrated, which has never been done by anyone; indeed, if the tortuosity of the abused law is demonstrated in theory, the practice that has followed these tortuous paths often becomes its satire and its condemnation. Moreover, has the numerical reduction of "receptive" clergy finally been achieved, through one means or another? Well, the Church does nothing but approve of it in her heart, deriving from it that inestimable advantage that She herself had long set before Herself, and ardently desired. Now, if for churches, even those that were innumerable, a prescription was made...

[*Latin ed. p. 339*]

The intervention of the Episcopal Authority, with the aim of legally incorporating a new Cleric or Priest, is considered all the more necessary when it comes to the incorporation of churches with a fixed number of canons. Indeed, for the Bishop, to exercise his authority in incorporating a fixed number of priests into a collegiate church, was a luxury, one might almost say, an inappropriate exercise of jurisdiction, to which he could perhaps, for the sake of peace, safely renounce; because, when it was not a matter of choosing one rather than another, it was sufficient that they were all clerics promoted to the sacred orders, so that they could all be equally incorporated, without fear that justice would be harmed. However, once the number of canons is definitively established by law, the intervention of

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the Ordinary becomes not superfluous, but necessary and indispensable, especially in the case of a Cathedral. In the opposite case, it would not be the Bishop who would be called upon to pronounce judgment on the more or less worthy candidates for the chapter, but the clergy, to the detriment of the Bishop; which would certainly upset the entire hierarchical order from top to bottom, giving rise to the most scandalous anarchy. "For, according to the aforementioned Brief and its respective Instructions, the Ordinary was to elect those whom he knew, in his conscience and integrity, to be the most worthy, and he was to put them without fail in possession of the right to obtain the established proportion; and all statutory and purely gratuitous service (Ministeriale, March 13, 1830) was completely abolished, and the use of appealing to the Metropolitan from such decisions of the Ordinary was also prohibited." And this is sufficient to prove that the appointment of the Priest Padula is legitimate, both by common law, and by the special law of the ancient collegiate churches, and also by the current conditions of fact and law in which the Potentina Cathedral finds itself. *Quia Episcopus in initio litterarum invocat ius devolutionis ad conferenda beneficia iuvat explicare vim huius ti-*

[*Latin ed. p. 340*]

340. In Potentina, hoc accidit: Reiífenstuel, in *De Praebendis et Dignitatibus*, n. 158, scribit: « Cathedrales Ecclesiae et regulares non debent vacare plus quam tres menses, nec manere sine Praelato; aliae autem beneficia inferiora debent conferri intra sex menses ab die notificationis vacationis, secundum Concilium Lateranense, quod refertur in C. Nulla – de concessione praebendarum. Ex hoc, sequitur quod si Ordinarii Electores vel Collatores aliquem intra praefatum tempus non eligunt, aut ei beneficium vacans non conferunt, seu eligunt et conferunt illud indigno: ad vitandam damnum Ecclesiarum quae ex diutina vacatura oritur, et ad castigandam negligentiam Electorum seu Collatorum ordinariorum, ius eligendi seu conferendi beneficium regulariter devolvitur ad proximum superiorem, exempli gratia, ad Episcopum, qui habebit aliud trimestre vel semestre; et si Episcopus etiam, intra tale tempus, non confert, ius eligendi vel conferendi devolvetur ad Archiepiscopum; et ab hoc ad Patriarcham, cui subest, et tandem, gradatim, ad Summum Pontificem, etc. ». Haec praescriptio iuris positivi est clara et pacifica apud omnes canonistas. Praeterea, in Actis, invenitur testimonium Petri Corleone, Sacerdotis, qui asserit quod, anno 1895, ipse petiit aggregationem Ecclesiae Cathedralis Potentinae, sed Capitulum eius petitioni non annuit. Denique, per actum rogatum a publico Notario, die 31 Ianuarii 1898, tercentum viginti tres testes (323) ediderunt hanc attestationem: quod Michael Padula, eadem causa, fuerat reiectus a Capitulo, etsi saepe petiverat aggregationem Ecclesiae Cathedrali. His, et aliis praenotatis, suppositis, solvenda sunt dubia: I. Num sustineatur electio sacerdotis Michaelis Padula in canonicum Cathedralis Ecclesiae Potentinae in casu. Et,

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affirmative: II. Num tenetur praedictus sacerdos Michael Padula.

[*Latin ed. p. 341*]

341 To serve this Church for the time prescribed by custom, before being admitted to a full share of the benefits in this case. RESOLUTION. The Holy Office, after deliberation on July 16, 1898, decided to respond: To I. Affirmative; to II. Negative. MARRIAGE DISPENSATION OF WARSAW. June 18, 1898. Session 24, chapter 5, concerning marriage dispensations. Joseph, devoted to the railway service, and Casimira, both residing in the diocese of Warsaw, in Prague, entered into a valid marriage on November 16, 1889, when he was 30 years old and she was 16 years old. However, a most unfortunate event soon followed; for the marriage was not happy, and the husband attributed the cause of this unhappiness primarily to the impossibility that occurred of consummating the marriage. For, it is said, the wife showed an inexplicable aversion to her husband from the very beginning and always refused to fulfill her conjugal duties; indeed, whenever she was compelled by threats from her husband, she would pretend to be willing to lie with him, but immediately she would experience "spasms, a nervous tremor, and finally a complete paralysis of the body, so that she seemed to lose consciousness." For this reason, conjugal life proved utterly impossible; therefore, after four years of mutual cohabitation, the husband ordered his wife to return to her parents, and sent a suppliant letter to the Bishop of Warsaw, requesting that his marriage be dissolved by the Supreme Pontiff, since it was, in fact, unconsummated. The Ordinary of Warsaw first, as was fitting, attempted to bring the spouses to reconciliation; but these efforts were in vain, and, with the force of the indult granted to him by the Holy See, he...

[*Latin ed. p. 342*]

342 VARSAVIA. Un período de diez años fue establecido para la investigación. Los cónyuges fueron interrogados, así como siete testigos de cada parte, quienes testificaron unánimemente sobre la honestidad y la virtud del hombre y la mujer. — Después, se realizó una inspección física de la mujer por tres comadronas, con la presencia de una matrona, y se obtuvo el dictamen de dos médicos expertos: y todos, sin vacilación, declararon que el cuerpo era íntegro y que el matrimonio no había sido consumado. El hombre también fue sometido a un examen físico, y tres médicos expertos juzgaron que era completamente apto para el deber conyugal. DISPUTA SINTÉTICA. OPINIÓN DEL CANONISTA. El proceso, con sus actas cuidadosamente y elegantemente transcritas, está completamente concluido en términos legales. Por lo tanto, aquí se evoca injustamente la antigua sospecha con la que antiguamente se acusaba a los polacos debido a fraudes y abusos, sobre los cuales el Papa Benedicto XIV lamenta profundamente en la constitución *Nimiam licentiam*. Sin embargo, de los

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registros del proceso se deduce claramente que: 1° el matrimonio no fue consumado; 2° existen causas suficientes para conceder una dispensa; y, además de estos dos puntos, no se requiere nada más. El primer punto de la cuestión se demuestra, como lo dictan las leyes y la práctica, mediante el testimonio jurado de las partes, el testimonio jurado de los siete testigos y la inspección de los cuerpos: mientras que los argumentos físicos, aunque puedan tener cierta relevancia, suelen obligar a la conformidad con las consideraciones morales, y por lo tanto, nos basamos en la evidencia física. Este argumento se basa principalmente en la integridad del himen. "El matrimonio," dice Gasparri, "debe considerarse válido solo si el himen, que cubre la vagina, está intacto... Por lo tanto, la Sagrada Congregación, con justa razón, mantiene que un matrimonio, con el himen intacto, no se considera consumado" (Tractatus de canonicis, De matrimonio, 11, 1065). Esto se ve reforzado por otras señales de virginidad, que se encuentran en casi todas las partes del cuerpo de una joven incontaminada (Gasparri, Tractatus practicos de lege, cap. 11, § 1; Devergie, Media leges, c. III, q. 9). Sin embargo, la inspección de Casimira reveló todo esto.

[*Latin ed. p. 343*]

WARSAW. 343 In hac inspectione, la máxima precisión fue observada, siguiendo las instrucciones de la Sagrada Congregación, año 1840. No hay objeción a lo que se lee en los documentos, que una mujer, mientras se encontraba en el baño, fue presa de dolores, y, tras ser examinada por médicos y con el consentimiento del juez, salió de Leghorn después de media hora; pues el tiempo de tres horas y cuarto, como se desprende de las instrucciones de la Sagrada Oficina, sin fecha, no es tan necesario que no se pueda reducir en ningún caso. Por lo tanto, Casimiria fue examinada por tres parteras, elegidas por el juez, católicas "expertas en arte y práctica", quienes, cumpliendo con su deber, informaron que encontraron en la joven el himen intacto, de forma circular, sin rastro de laceración, con una abertura que no podía exceder la punta del dedo auricular (menor); y además, los senos, el abdomen, el pubis, los labios pudendales, tanto externos como internos, el clítoris, estaban constituidos y de tal color, como es común en una virgen. Todas estas observaciones fueron presentadas con entusiasmo por las parteras, tanto en el informe escrito como en el testimonio oral, y afirmaron con juramento la conclusión que dedujeron de ellas, a saber, que la joven "es una virgen intacta"; y que no se observaron en ella "ni siquiera indicios de un intento de consumar el matrimonio". Dos médicos fueron llamados para el caso, y ambos eran católicos "que cumplían con los deberes de su religión", quienes, tras un cuidadoso examen, declararon bajo juramento que estaban seguros de la integridad de la mujer, y de la absoluta inconsumación del matrimonio. En efecto, el Dr. Zielinski, médico director del hospital de Praga, tras relatar con método científico los testimonios de las parteras, concluye: "Por lo tanto, las parteras mencionadas

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anteriormente determinaron que la mujer examinada por ellas es virgen; a cuya opinión yo también me adhiero, y declaro definitivamente que es una virgen intacta". El mismo Dr. Bucelski, médico del hospital de Tivorcki, afirma además, para no causar ninguna dificultad debido a la moderada grosura del himen, de la cual habla la partera Lignau, que declara explícitamente que no se puede inferir de ello ningún indicio contrario. Además, esta circunstancia concuerda con la constitución general de la joven, que tiende a la obesidad.

[*Latin ed. p. 344*]

344. VARSAVIA. Finally, to ensure that nothing was lacking in this argument, the male body was also examined by three physicians, in accordance with the instructions of 1840. They found Joseph's virility to be healthy, and not insignificant; according to Dr. Bucelski, the circumference of the penis is 10 centimeters, and it is suitable for intercourse. This fact makes it utterly absurd, when comparing the male and female organs, that marriage could ever have been consummated in this case without tearing the hymen. Furthermore, the physical integrity of the woman, already demonstrated, would by itself be sufficient to eliminate any presumption of violent consummation arising from the marital union; and, conversely, to provide certainty. However, since we are dealing with a matter of the utmost importance, as Scripture states: "What therefore God hath joined together, let not man put asunder," the laws wisely require a sworn confession from both parties, and sworn testimony from seven witnesses. C. Laudabilem, verb., and C. Literae vestrae, concerning frigidity and other ailments, both clearly illustrate the process through tables. Joseph, the plaintiff, swears: "I have never been able to lie with her (his wife)," and again: "Normal intercourse and copulation of our genitals has never taken place." He attributes this to the woman's aversion to him, which she has never voluntarily revealed; and also to a disease, which they call neurosis, by which it happened that, when forced to fulfill her marital duties, upon the man approaching, she would turn pale, distort her eyes, tremble, break out in a cold sweat, be seized with convulsions, and almost fall into madness, so that intercourse could not be completed. Joseph's responses are simple, precise, and consistent with each other; they contain nothing uncertain or evasive that would suggest deception. Only one discrepancy was found in his statements: in the examination regarding the lack of consummation, he stated that before the marriage, Casimiria had said that "her virginity had been corrupted"; later, in the examination concerning the reasons for the dispensation, he said: "I have never heard anything that would seem to damage the good reputation of my wife." But this can easily be explained either by...

[*Latin ed. p. 345*]

WARSAW. 345. Either because he believed that the words of one or an-

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other common person could not tarnish the reputation of an honest girl, or because the inquiry concerned a time after the marriage. Casimira, who likewise presents a pure and sincere demeanor, under oath, stated: "I have considered myself to be a virgin... I am certain that my husband never legitimately consummated the marriage, and that his contact with my body was merely superficial." Explaining the reason for this, she states that she married Joseph of her own accord, but without love, and only "because he was considered by everyone to be a good man"; she also states that he vehemently demanded his marital due from her; which, however, she consistently denied, and that she experienced such violent resistance of body and mind that she fell into a neurosis, due to the spasms of which all attempts at intercourse by her husband were frustrated. These conjugal testimonies are confirmed by the fact that both parties had a complete seventh finger on each hand, although experience teaches that the number seven is not absolutely required in every case. Avanzini, *Acta S. S.*, vol. VI, page 545. Indeed, all such witnesses, under oath, asserted that they were certain of the piety, good morals, and truthfulness of both spouses, either in general, or especially concerning those things which they had testified in the process; for they knew, more or less, how unhappy their intimate life had been. And those who testify in this way are religious persons, of good reputation, and of no mean condition, such as Michael Pogorzelski, a parish priest, Henry Comarnicki, an official of the railway, and his wife. It must also be noted that the Warsaw Tribunal warns that all precautions were observed with regard to the witnesses, as prescribed in the *Instructio S. O.* of 1883, § 16. I could add more supporting details, as they say, but it is sufficient to recall that the excellent defender of the marriage, who knew everything thoroughly, after the conclusion of the process, declared that he had nothing to present to the contrary. Indeed, what has been said so far seems sufficient to prove that the marriage, concerning which we are discussing, remained valid, but only in name.

[*Latin ed. p. 346*]

346 VARSAVIA. Nunc alium punctum quaestionis oportet considerare; nempe, utrum sint praesentes causae idoneae ad dispensationem: nam Pontifex non concedit dispensationem leviter; nec, si per absurdum vellet, valide posset, quod est sententia plurimorum. Schmalz. IV, IX 51. Verum tamen, ex toto processu et ex speciali inquisitione in hac re instituta, non una causa huiusmodi exoritur: 1. est dissociatio animorum, quae impedit speciem reconciliationis. Iam ab initio dixi Curiam Varsaviensem, antequam processum instrueret, ter inane reconciliationem tentasse; sed cum hoc perfecisset, frustra iterum in idem insistit. Fol. 48-52. Unde autem haec aversio oritur, patet ex dictis; 2. est probabilis error puellae circa matrimonium, quae, contrahens, vix 16 annos nata, videtur matrimonium esse tantum societatem amicalem, sine ulla commixtione corporum; 3. est

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probabilis impotentia mulieris, saltem relativa; quam posse oriri ex morbo neurótico, quo Casimira laborabat, medici hodie non dubitant, ut constat praesertim ex iis quae de vaginismo late disputantur. Porro, Casimira morbo neurótico laborasse non est cur dubitemus, post ea quae in actis prostant, et cum ipsa morbo curando consilia duorum medicorum, quos nominat, adhibuerit; 4. est grave periculum incontinentiae, alicuiusmodi, ad minimum ex parte viri, qui, ut habent acta, non semel etiam per vim cum uxore congredi conatus est; 5. est mutuus consensus coniugum. Porro, prima quattuor causae ex his sunt, quas iuridica praxis et communis sententia DD. ad dispensandum habent pro idoneis. Avanzini Acta S. S. vol. 1, pag. 420 seqq. Consensus autem coniugum, etiamsi non sit certa causa motiva, indubitanter vim habet causae impulsivae. « Mutuo intercedente consensu coniugum, posse Papam de absoluta potestate, etiam sine ulla causa, hanc dispensationem concedere, sed de ordinaria auctoritate non esse solitum dispensare. »

[*Latin ed. p. 347*]

VARSAVIA. ”347, nisi cum aliqua causa, longe tamen minus gravi et urgenti ea requisita in casu alterutrius dissensus, post antiquiores advertit Fagnanus...” Cons. De separatione tori, III, 11, n. 96. Ad haec addendum videtur obsequium coniugum erga Sanctam Matrem Ecclesiam, quod apparet tum ex eorum iurata professione fidei; tum inde quod, desiderantes solutionem vinculi, non laicum tribunal sed ecclesiasticum adiverunt.

ANIMADVERSIONES DEFENSORIS MATRIMONII EX OFFICIO. Anno 1889, mense Novembris, die 16, Ioseph, aetatis trigesimum annum agens, Casimiram, quae in duodevicensimo anno versabatur, iugali foedere sibi iunxit. Labente, mense Augusto 1893, quarto scilicet anno a nuptiis, Ioseph Casimirae valedixit; matrimonium vero inconsummatum culpa uxoris mansisse die 12 Octobris 1894 proclamavit apud ecclesiasticam curiam. Lectissimus consultor, et iudiciales tabulas ad iuris amussim confectas arbitratur, et voluntati Iosephi censet obsecundandum. Adverto tamen Iosephum ad iudicem detulisse: ”Usa est (Casimira) consilio medicorum: Landau, Vacqueret et Wrzevniowski.” Casimira pariter professa est: ”Consuli doctores Landau et Groer. Adhibui ferrum, bromium et digitalem.” Iam vero instructio a S. C. C. die 22 Augusti 1840 edita cavet: ”Interrogandi erunt periti physici, quos coniuges consulerunt.” Qui quidem periti eo magis praesenti in causa adducendi videbantur ad examen, quia matrimonii inconsummatio veri absimilis est ob quadriennalem coniugum cohabitationem.

Quibus praemissis, propositum fuit enodandum dubium: An sit consulendum SSmmo pro dispensatione a matrimonio rato et non consummato.

RESOLUTIO. S. C. C. re disceptata, sub die 18 Iunii 1898, censuit respon-

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dere: Affirmative.

[*Latin ed. p. 348*]

348 IN MECHLIN. ! NULLITY OF MARRIAGE. July 16, 1898. Session 24. Chapter 1, concerning the validity of marriage. The noble Baron Albert, twenty-eight years of age, on December 12th of the year 1894, entered into a lawful marriage with Julia, then in the flourishing age of twenty years; but, with a most unfortunate omen, it appears that Julia, who is said to have been previously attached to another man, was not entirely free, but seems to have been compelled by her mother to marry Albert. On the first night of the marriage, the spouses used the same room and the same bed, and, if credence is given to their accounts, the wife refused to perform her conjugal duty, and afterwards persisted in this refusal, despite repeated attempts by her husband, to whom the wife declared that she felt such repugnance towards him that she would never consent to the marital act. Consequently, conjugal life could not endure for long. For, two months after the beginning of the marriage, the mother of the wife, a widow, embracing her daughter, who was received and resided with her and her husband, declared to the husband and father-in-law that an immediate separation was necessary, without, however, giving any reason. After the husband had been ejected from the house of his wife, having once and again invited her to live with him, but without success, he requested a decree of divorce from a secular judge; and having scarcely obtained it, he supplicated the Most Holy Father, that He would deign to grant him a dispensation concerning the marriage which was valid but not consummated. The customary petitions were presented to the Most Reverend Archbishop, who, acting according to the commands of the Holy Father, took steps to complete the customary process; upon its completion, the acts were transmitted to the Sacred Congregation. However, lacking a judicial examination of the woman, it was again ordered that the woman be subjected to a medical examination in order to proceed with the legal proceedings.

COMPENDIUM OF THE FACTS.

[*Latin ed. p. 349*]

MECHLIN. 349, as it was called, which was carried out in the city of Spa, where the woman's family had a summer residence. Since not all the prescribed norms had been observed in this physical examination, and absolute freedom had not been permitted to the midwives in carrying it out, it was again ordered by the Ordinary of Mechlin that Lady Julia submit herself to a new examination, according to the laws of the Church; and this examination, at Julia's request, was carried out in the city of Spa, by two women skilled in medicine, with a midwife present. Simultaneously, the man's examination was also carried out by doctors, at his request.

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A SYNOPTIC DISCUSSION: DEFENSE OF THE MAN.

The man, who requests such a dispensation, chooses his advocates, who primarily attempt to demonstrate, through affirmations from both spouses, both in judicial and extrajudicial settings, that the marriage had not been consummated. Indeed, the man, under oath, testified: "The first day, my wife refused to fulfill the conjugal duty; I insisted, but her posture did not allow the act to be completed; giving as a pretext that she did not want to have children." Nor did the woman dare to completely reject the man from her body; but she comported herself in such a way that it was impossible for him to do that which is necessary for procreation. The man adds: "At the first moment, she (when requested to fulfill her marital duty) refused; but, upon my insistence, she agreed; only, as I have said above, she took a posture that made the completion of the act difficult or impossible, because she always kept her legs tightly closed." And a little later: "At the beginning, I was content with the posture she took; towards the end of the first month, I asked her to take a different posture, and she refused." The same was confirmed by the woman, who, upon being questioned outside of the solemnities of the law by order of the Sacred Congregation, "as the Archbishop of Mechlin states," affirmed that she had always, in every way, resisted her mother-

[*Latin ed. p. 350*]

350. MECHLINIEN. He affirmed that he had restored the marriage to its proper state and that there had never been any impediment to its consummation. The learned Van Heers wynghels also affirmed this, as he reported to the sacred tribunal with these words: "The lady complained of the brutality of Mr. du Bois, and she assured me with indignation that no union had taken place." However, when called to court, Julia affirmed before the judge: "My husband has tried on several occasions to consummate the marriage. But I have always resisted him, and he has never been able to consummate the act. There has been no penetration, and I have never received his seed... The act has never been accomplished. I have positively resisted the consummation of the act, by crossing my legs and pushing him away with my fists. The result of my resistance was that my husband was unable to accomplish the act." The amount of credence to be given to this confession of the wife is confirmed by the patrons through witnesses from both sides, who, as if with one voice, give their testimony concerning both spouses. Witnesses on the part of the woman also testified, and when the mother was asked whether she believed her daughter, she replied: "Yes, certainly." And the Reverend Aertssens, the parish priest of St. Aegidii, also testified to the veracity of Julia and her mother. But furthermore, the orators note, these aforementioned witnesses not only testified concerning the veracity and religion of the spouses, but also concerning the lack of consummation of the marriage. Thus, Father L'Hoir and S. I., whose testi-

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mony they believe to be of the greatest importance, affirmed that, having learned from the husband himself, approximately two months after the marriage, that his son was very unhappy because of the treatment of his wife, who did not wish to behave as a wife, and who wanted at all costs to avoid having children. The Reverend Aloisius Senocq also testified to this. Nor does the knight Parthon de Von confess otherwise, stating that he knew the marriage had not been consummated from the words of the husband himself. Finally, the maid of the husband also narrates the same.

[*Latin ed. p. 351*]

351. The same is confirmed by the testimonies of witnesses brought forth by the wife. Indeed, her mother testified: "From the very beginning, I observed that my daughter had an invincible aversion to her husband. She came several times, at night, to my room in a state of nervous agitation that was pitiable. She told me that she forcefully repelled him when her husband wished to have relations. When he wanted to use violence against her, she crossed her legs, in order to prevent the consummation of the marital act." The parish priest, Van Dievoet, corroborated this. Furthermore, the advocates argue, it is not necessary to dwell on the testimonies of the witnesses, since there is a clear physical argument available, derived from three examinations performed on the body of Julia. For, when Julia presented herself for examination by the midwife, Laurae Stevens, this woman wrote: "I observed nothing on the side of the genital organs that would indicate that relations had taken place." And she confirmed this when she was called before the sacred tribunal: for, when asked whether all the signs of virginity were present in Julia's body, she responded: "Yes, I can assure you of it." Furthermore, two other midwives, chosen by the dean of Spa, examined Julia's body, namely, the women Decerf-Urbain and Kesteloot. Concerning the former, the dean of Spa reported: "She is of the opinion that perfect coitus did not take place; she finds in Juliette the signs of virginity." Similarly, the other affirmed to the same dean: "The woman possesses all the signs of virginity." These same women, when called before the sacred tribunal, and when asked whether all the signs of virginity were present in Julia's body, one responded: "Yes, I can affirm it, without fear of being mistaken"; the other responded: "I believe I can affirm it." But another examination was made, ordered by the Sacred Congregation, in order to supplement any deficiencies in the previous examinations, and in this examination, the norms prescribed in the instructions concerning the defense of the bond were observed. For a matron was present at the examination, and expert women were chosen, who, separately from each other, with all due diligence, through visual examination...

[*Latin ed. p. 352*]

352. MECHLINIAN AFFAIRS. They conducted a physical examination

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and testified to her integrity. The midwives, however, affirmed the written testimony, and, questioned under oath by the judge, confirmed it. Brought to this point, the defenders anticipate the difficulty arising from the fact that the husband was not always consistent in his depositions regarding the non-consummation of the marriage; for the defender of the Mechlinian bond objects: "In the first deposition, the husband appears to have ingenuously stated the truth; then, moved by a strong desire to regain his freedom, he presented a different account, as if he had previously been mistaken. But if he erred, it is only in this that he is considered to have erred, namely, that he believed that complete consummation of the act requires penetration all the way to the uterus... It is easily conceded that the marriage was not consummated; but that it was consummated with penetration within the vagina and the emission of semen within it (which completes the act), is sufficiently clear from the repeated declaration of the husband himself." In truth, the patrons do not deny that the husband testified that he had penetrated the woman's vagina. He stated in his first testimony: "There was penetration into the vagina, and there was emission each time, either into the vagina or outside the vagina, but more often into the vagina." He affirmed the same, although with some hesitation, in the second testimony. However, the orators point out that the actor's words could have some force in asserting the consummation of the marriage, if the wife had been found to be corrupt. But since she was found to be a virgin, it is clear that the husband was mistaken; when he believed that he had penetrated the wife's vagina and had emitted semen there. It should not be said that it can sometimes happen that penetration occurs all the way into the vagina, and semen is emitted there, without the hymen being torn; for, the orators reply, this is very rare; and, for it to occur, it must be the case that a particular configuration of the genital organs exists: either there is a very wide opening in the woman's hymen; or...

[*Latin ed. p. 353*]

MECHLINIEN. 353 In a man, besides what commonly occurs, there may be a subtlety; or both together. But neither of these is present in this case. Indeed, with regard to the woman, nothing singular, nothing abnormal was found in her: "I have not observed anything abnormal in the organs," says the midwife Decerf-Urbain. And the midwife Kesteloot says: "The organs are normal." The expert Derscheid-Delcourt testifies in writing: "The genital organs are of normal conformation." Another expert, Van Heerswinghels, affirms before the judge: "I observed that the genital organs were normal, except for a certain hyperesthesia, which was localized in the level of the hymen membrane." Therefore, the defendants argue, besides the hyperesthesia, which certainly favors us, neither the midwives nor the medical experts found anything extraordinary in Julia. Therefore, in her, there certainly does not exist that opening in the hymen through which the

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male member could have penetrated, up to the vagina, without breaking the hymen itself. As for the Baron du Bois, the expert Smets testifies in writing: "The condition of the genital organs is found to be normal and perfect." He also testifies verbally that he could not penetrate the woman's vagina, "because, he adds, if a deep penetration had occurred, there would certainly have been a rupture of the hymen, or at least a dilation of this membrane. This latter hypothesis must even be rejected..." but for what reason? "Because," he adds, "I consider the volume of the genital organs of the husband." Therefore, they deduce, if that is the size of the man's genitals, he could not have penetrated his wife's vagina, unless he had first torn the hymen. Furthermore, they note that the hymen was not only found to be intact, but not even depressed, indeed, rather it protruded; from which it is easily deduced that Albert not only did not violate the hymen, but did not even press against it from the outside. The midwife Stevens says: "I observed that the hymen was prominent, rather than defaced." Also, the expert Derscheid-Delcourt says: "It (the hymen) is not defaced." Records, Volume XXXI, page CCCLXVI, 23.

[*Latin ed. p. 354*]

354. MECHLINIEN. And the expert witnesses, Heerswynghels: "No abnormal deformation of the hymen was observed." Nor do the female genitalia of the aforementioned woman exhibit any sign whatsoever, from which it might be permissible to argue that any attempt at intercourse occurred. Therefore, the lawyers infer that the Baron du Bois did not, in his attempts, reach the interior, nor even the exterior, of his wife's genitalia. For the midwife, Laura Stevens, when questioned about this matter, affirms: "I was unable to observe anything in the genital organs that would indicate an attempt at intercourse. In my opinion, they were absolutely intact." Furthermore, among others, Silvia Heerswynghels testifies: "The current state of the organs does not allow one to ascertain that there were any attempts at intercourse." Indeed, both expert witnesses, under oath, testified that they had observed such close conditions in the woman's genitalia, as are customary in virgin girls. Therefore, the lawyers conclude that, unless through some error, the Baron du Bois could have asserted that he had reached his wife's vagina and had repeatedly inserted semen. But, according to the lawyers, even if the woman had not consented, or desired it, her husband could not have penetrated her vagina due to vaginismus, from which Julia suffered. This matter, it is said, had already been rumored by the Countess d'Herbais de Thun. "Everything that I have heard said," she testified, "is that the young woman was not marriageable. For what reason? I do not know." But this rumor, the defenders say, is founded on truth, since an examination of the woman was made. For Maria Van der Meesen Backx, who was present at the examination by the court-appointed matron, reported: "I was able to observe that this

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examination was not only uncomfortable; but also painful. During the initial examination, she even let out a cry of pain." The expert Derscheid-Delcourt recounts the matter somewhat more distinctly: "I proceeded to the physical examination first visually, which was without difficulty; I then proceeded to the manual examination, and I immediately observed an excessive sensitivity to touch: it was necessary to use persuasion and all my authority to manage to touch..."

[*Latin ed. p. 355*]

MECHLINIEN. 555, "the genital organs." And he adds: "It is probable that this state of affairs existed then, and may have been one of the causes of the marriage not being consummated." Similarly, another expert, Van Heerswynghles, testified. It cannot be argued that this affliction of the woman perhaps arose after the Baron du Bois left her; this supposition, as false, is rejected by the lawyers based on the testimony of the Baron himself, who states: "Towards the end of January 1895, she completely refused (marital intercourse), giving as a reason that the doctor had said that she was ill, and that, in order to fully consummate the act, she would have to undergo an operation, which she refused to undergo." The Reverend Van Dievoet, a witness brought forth by Julia, affirms the same. However, the lawyers concede for a time that Julia was not afflicted with vaginismus; nevertheless, they maintain that Albert was unable to penetrate her vagina, because she did not wish it. Since the woman, on the very first day of marriage, when asked to perform her conjugal duty, completely refused, and told her husband, "that she did not want to have children." And if at times, even reluctantly and resisting, she conceded that he might approach her, yet the woman so tightly compressed herself that it was never possible for the man to penetrate her. "My wife," the man said, "had her legs pressed tightly together... she always kept her legs crossed." And the wife adds something, saying that she not only held her legs together, but even placed one leg over the other. "I positively resisted the consummation of the act by crossing my legs." The mother confirms this, saying: "When he wanted to use force upon her, she crossed her legs to prevent him from consummating the marital act." Therefore, the doctor Van Hoos concludes: "If, as he has affirmed to me, the woman always crossed her legs, it was impossible for him to penetrate her." Furthermore, the words of the plaintiff cannot be objected to, in which, in another testimony, he said: "My wife told me two or three times that I was piercing her, or that I was transfixing her, during..."

[*Latin ed. p. 356*]

356. MECHLINIEN. that the penetration was deeper than usual. For, the advocates reply, this can be best explained by the vaginismus suffered by Julia, since any, even completely external, contact is accustomed to

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causing such a sensation of penetration and great pain. Therefore, Doctor Smets, when questioned about this, replied: "The pain complained of by the woman could perfectly have arisen from a simple contact of the external genital parts, as always happens in vaginismus: for if a deep penetration had occurred, there would certainly have been a rupture of the hymen, or at least a great dilatation of that membrane. This latter hypothesis itself must be ruled out, when I consider the volume of the husband's genital organs." But it may be asked: if this is the case, how could he have affirmed such a thing? To which the defenders reply that they do not deny that the actor's confessions have a somewhat complex cause; however, they point out that it is not surprising, since in this case we are dealing with a simple man who has not been married, and who has been called to court three times to give testimony about his marriage, yet who was completely ignorant of the husband's affairs. Indeed, the knight Parthon de Von, when questioned by the judge as to whether credence should be given to the actor, replied: "In terms of veracity, yes: but I do not know if he always has enough discernment to properly appreciate the facts." Doctor Van Hoos, however, wrote: "I certify that it results from the interrogation of Mr. du Bois that he did not know, during the cohabitation, what constitutes complete and normal coitus." And we also know from the baroness Noverca, who testified: "He was ignorant, until the separation from the woman, of what precisely constitutes the perfect accomplishment of the marital act." Therefore, when the man testified: "There was penetration into the vagina, and there was emission each time, either into the vagina, or outside the vagina, but more often into the vagina," the advocates say that he affirmed this because of his ignorance of marital matters, since he himself was completely ignorant of what the vagina was, and therefore falsely.

[*Latin ed. p. 357*]

MECHLIN. 337. He had supposed that she had been placed outside the bridal chamber. We learn that the situation was different from the baron's own mouth, who in his third testimony stated: "I was mistaken in my first deposition, in stating that I had entered the vagina: a thing which cannot be accurate, given that the resistance of my wife did not allow entry into the vagina." He attributes the cause of the error to his lack of knowledge; for he adds: "In my deposition, I was not aware of the female genitalia... Since my first deposition, I have acquired a greater knowledge of the female genitalia: this is what makes me believe that I was mistaken in my previous depositions." Therefore, the lawyers conclude, although the speaker may have said something different due to ignorance of the facts, it must nevertheless be firmly held that he never penetrated his wife's vagina, and therefore the marriage was not consummated by intercourse. With these premises established, there remains for the lawyers nothing but to briefly address

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the causes for dispensations. The most important of these, from which the others emanate, is the disagreement of minds, which arose from the hatred with which the wife pursued, and has always pursued, her husband, to whom she was, as it were, forced to marry by her mother. But the lawyers find the true cause of the woman's hatred in these words of the plaintiff: "She would have liked to marry, it seems, another young man: having not been able to achieve this, it would be out of spite that she married me." How inexpiable this hatred of the woman is, we learn from her own mouth. For she said in her testimony: "I loathed my husband. He has always displeased me, and he was coarse towards me from the beginning. At the end of our cohabitation, I absolutely refused to perform the conjugal act, and I told my husband that I hated him, and that if he were not a coward, he would have left immediately." Furthermore, there is no way to reconcile the goodwill between spouses, and all the more so because the civil bond has been dissolved by divorce. "I have often insisted," says the Vicecomi-

[*Latin ed. p. 358*]

358 MECHLINIEN. The woman from Herbais of Thun, the actor's aunt, sought reconciliation; but she was told each time that it was impossible. And the woman herself protested: "It is absolutely impossible," she said, "because I despise him and I hate him." Finally, the unfortunate man, still young, the sole survivor of his house, desires to transmit the family name to posterity, to have children, and he cannot easily, even if he could, consult his own chastity, unless permission is granted for him to contract another marriage. OBSERVATIONS OF THE DEFENDER OF THE SACRED BOND. The Defender of the Sacred Bond argued that there was no proof of the marriage's lack of consummation, and he especially demonstrated this from the very depositions of the actor, who confessed such things that one might doubt that the marriage had not been consummated. For, being questioned by the judge, Albert swore: "On the first day, my wife refused to perform the conjugal duty; I insisted, but her posture did not allow the act to be completed; she gave as a pretext that she did not want to have children." To the urgent judge: "Have you often tried to perform the conjugal act?" To which he replied: "I may have tried fifteen or twenty times to perform the conjugal act. There was penetration and emission of semen each time; sometimes the emission occurred only outside, because my wife had asked me to withdraw." And he added: "As I have said, there was penetration into the vagina, and there was emission each time, either into the vagina or outside the vagina, but more often into the vagina." And when the judge questioned him again: "If there was penetration, would it not have been sufficient to break the hymen?" Albert replied: "Sometimes the penetration was quite deep; but my wife had her legs pressed tightly together, so that the penetration could not be complete." On September 18th of the aforementioned year, 1896, when the judge inquired: "In your

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deposition of April 21st, you declared..."

[*Latin ed. p. 359*]

MECHLINIEN. 359 "Est-il vrai que votre femme avait les jambes serrées l'une contre l'autre de sorte que la pénétration ne pouvait pas être complète?" Albert répondit: "J'ai voulu dire qu'il n'y avait aucune possibilité d'atteindre le col de l'utérus... J'ai voulu pénétrer dans le vagin et j'ai cru y être parvenu parfois; mais, compte tenu de la position de la femme, je ne suis pas certain d'y avoir déposé la semence, ou bien de l'avoir déposée à l'entrée du vagin." Interrogeant à nouveau, il demanda: "Vous avez affirmé que parfois la pénétration a été assez profonde: a-t-elle alors duré un certain temps; et à cette occasion, la semence ne s'est-elle pas faite dans le vagin?" Albert répondit: "Oui, à cette occasion la pénétration a duré un certain temps et je crois que la semence a pu être répandue dans le vagin." Et il ajouta: "Ma femme m'a prié de me retirer de peur d'être enceinte; une fois seulement elle s'est plainte de douleurs aux organes génitaux, mais jamais je n'ai vu trace de sang." Interrogeant à nouveau, le juge demanda: "Votre femme vous a-t-elle prouvé par ses paroles ou d'une autre manière qu'elle était consciente de la pénétration?" Albert répondit: "Ma femme m'a dit deux ou trois fois que je la 'perforais' ou que je la 'transperçais' lorsque la pénétration était plus profonde qu'à l'ordinaire." Finalement, le 20 décembre 1897, Albert se soumit à un troisième examen judiciaire et déclara: "Je me suis trompé dans ma première déposition, en déclarant que je me suis introduit dans le vagin: chose qui ne peut être exacte, étant donné que la résistance de ma femme ne permettait pas d'entrer dans le vagin. Lors de ma déposition, je n'étais pas au courant des organes génitaux de la femme." Après ces déclarations, le défenseur du mariage considéra si Albert avait été induit en erreur ou trompé dans les dépositions précédentes. Quant à cela, l'avocat dit: "Il est tout à fait éloigné d'Albert toute cupidité de tromper, ou, si une telle chose lui est propre, certainement pas en faveur du mariage, puisque lui-même se bat contre le mariage. Par conséquent, il n'a pas l'intention de tromper, lorsqu'il utilise des mots qui signifient la parfaite consommation du mariage."

[*Latin ed. p. 360*]

360. MECHLINIEN. But when these things are presented to the most learned judges, they are entirely such that they demonstrate that Albert was deceived. Therefore, they denounce him as a simple man, and entirely ignorant of marital matters. But this is undeserved, replies the advocate; for Albert, when he took a wife, was already in his twenty-eighth year, and he had not spent his days engrossed in rustic affairs, separated from the company of men, but had lived a life befitting noble and wealthy families in the most refined Belgium. But Albert does not present himself as a fool, nor is he unskilled in the conjugal palestra, insists the advocate. Indeed,

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he knows perfectly well what is required for a perfect act of generation: "penetration and the emission of semen into the vagina." He, under oath, affirms: "There was emission each time, either into the vagina or outside the vagina, but more often into the vagina." Nor does he remain silent regarding the reason why, at times, semen was not emitted within the vessel: "Sometimes the emission occurred only outside, because my wife had asked me to withdraw." Frequently, and more often, he did not emit semen within the vessel for another reason: and Albert clearly explains this reason as well: "My wife had her legs pressed tightly together, so that penetration could not be complete." More clearly still: "On the first day, my wife refused to perform the conjugal duty; I insisted, but her position did not allow the act to be completed, giving as an excuse that she did not want to have children." These words of the advocate, notes the defender, have greater force if it is considered that they are not ambiguous, but categorical; nor are they the words of a mind wavering and uncertain, but of a mind entirely free from any cloud of doubt. Albert affirms two things with certainty. First: "There was emission each time, either into the vagina or outside the vagina, but more often into the vagina." Secondly, with the same certainty, he gives the reason why, at times, semen was emitted outside the vessel: "Because my wife had asked me to withdraw," or "because my wife had her legs pressed tightly together."

[*Latin ed. p. 361*]

MECHLINIEN. 361. The position she assumed did not permit the consummation of the act. Therefore, he concludes, the one who speaks in this manner is neither foolish nor ignorant, but either he has consummated the marriage, or he utters a foul lie, which it is foolish to suspect. Nor does the aforementioned statement of the physicians displease the speaker. For they, in the most open manner, seize upon a pretext for Juno. And indeed, Albert responds to question 10: "At the first moment, she (the wife) refused; but at my urging, she agreed; however, as I have said before, she assumed a position that made the consummation of the act difficult or impossible, because she always kept her legs tightly closed." The physicians, as if grasping at straws from the sky, seize upon the words: "she always kept her legs tightly closed," and from this they infer that Albert is speaking falsely and does not know what he is affirming when he states: "There was penetration and the emission of semen into the vagina." However, the defender replies that the fundamental rules of interpretation demonstrate the error of the physicians. For from these, we learn first that special terms prevail over general ones. Therefore, it would be more appropriate to give greater weight to the word "always" than to the apodictic words with which Albert spoke in his depositions. Furthermore, it often happens that the word "always" is used in place of the words "almost always." Indeed, when that which is our right, even if it is often denied to us, if we desire it greatly, we easily say that it

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is always denied to us." The most eminent physician, Lapponi, certainly understood this, when he conditionally concluded: "Given, therefore, the constantly and obstinately assumed position of the bride, it can be asserted and maintained without any risk of error, that de Bois never penetrated, nor ever ejaculated into the internal genital passages of his bride." Let it not be objected that Albert has elsewhere confessed that he deceived her, when he affirmed the consummation of the marriage. For, the speaker replies, distinguish the times, and you will agree with the laws, i.e., with Albert's words. Furthermore, the marriage began on the 12th of...

[*Latin ed. p. 362*]

MECHLINIEN. December 1894. On January 4, 1896, Albert declared the relaxation of the marriage. On April 21, 1896, he confessed in court the events previously mentioned. Albert then addressed the judge, saying: "I am not certain of having deposited semen within (the vagina), or of having deposited it at the entrance of the vagina... I believe that the semen may have been spread within the vagina." Finally, on December 30, 1897, he boldly declared to the judge: "I was mistaken in my first deposition, in stating that I had entered the vagina... During my deposition, I (a man of 30 years) was not aware of the female genitalia." Therefore, the defender of the marriage notes that during the entire period of time that elapsed between these confessions of Albert, certain events occurred that could have changed Albert's state of mind. Specifically, the body of Julia, Albert's wife, was examined on July 25, 1896, by the midwife Maria Urbaine, and on the 28th of the same month by Maria Kosteloot, who, through thorough examinations, and with due regard for the laws designed to prevent fraud, declared Julia to be a virgin. Furthermore, during those two years, Albert certainly sought advice from lawyers in Tournay or Mechlin, and from them he learned how much damage the confession he made on April 24, 1896, would cause to the case. And since Albert is that foolish man, of whom the prosecutor has spoken, he is more foolish, and on September 18, 1896, and again on December 30, 1897, he subjected himself to repeated examinations in order to convince the judge that he was ignorant. However, the defender of the sacrament easily detected the deception. For, when the man, on the day of September 18, 1897, swore: "My wife told me two or three times that I was piercing or penetrating her, when the penetration was deeper than usual," the judge pressed Albert: "Regarding those two or three times, could you have any doubt about the penetration?" The man replied: "If my wife experienced pain, it must have been because I attempted to enter, and because I penetrated..."

[*Latin ed. p. 363*]

MECHLINIEN. 363 between the lips; and if she felt pain, it may be due to her special conformation, and perhaps also due to my conformation."

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But, the advocate replied, the records do not show that the conformation of the genitals of either man or woman was so extraordinary that a woman would feel pain within, while remaining outside. The witness is Silvia Van Heerswynghels, the midwife, who testifies: "I observed that the genital organs (of Albert's wife) were normal, except for a certain hyperesthesia that was localized in the area of the hymen." Therefore, the instrument did not remain outside or between the lips, but passed through the hymen, while the wife, overcome with pain, cried out: "You are piercing me... you are transfixing me." No less does Albert deviate from the truth in his final testimony, when he states: "During my deposition, I was not aware of the woman's genital organs." But, the advocate pointed out, this does not agree with the testimony of the priest Stephen L'Hoir, of the Society of Jesus, who was present at the examination fifteen days after Albert's first examination. Indeed, Stephen was brought to the examination because he had been informed by Albert, long before, of the lack of consummation of the marriage: "All of this," Stephen reported, "was confirmed to me in detail by the son (Albert), more than a year ago." And he adds, "The son (Albert) is intelligent enough to understand the marital rights." Moreover, he insisted, if Albert had been mistaken, believing the marriage to be consummated, it would have been Julia, Albert's wife, who would have been deluded, not Albert himself. Furthermore, it was Julia's words, not Albert's, that were: "You are piercing me. You are transfixing me." But Julia never asserted: "I was not aware of the woman's genital organs." But who can deny that Albert confessed, in his first examination, that: "My wife never lost any blood, at least I did not notice it." The advocate responds with the words of the midwife Maria Urbain: "I cannot have...

[*Latin ed. p. 364*]

364. MECHLINIEN. It is certain that a single sexual act would tear the membrane, because this membrane is elastic. Regarding the obstetric testimony, in which the opposing opinion places so much confidence, the advocate first points out that the woman was not at all immersed in the bath, although this was strictly ordered in the instructions of August 22, 1840. Then, having examined the hymen in this deceptive manner, the midwives did not recognize the rest of the woman's body. Indeed, the integrity of the hymenal membrane present in the case at hand proves nothing; "because it is elastic," as testified by the midwife Mary Urbain. Moreover, she insists that, although the hymen is the most certain sign of virginity, the mere integrity of the hymen never guarantees virginity. For, as Zacchia easily demonstrates in this matter (lib. 4, tit. 2, q. i, n. 28 and following): "A virgin can be defiled, and even conceive, without the hymen being broken, as some of the aforementioned authors conclude." Therefore, the advocate concludes, in the Parisian case, of June 16, 1888, to the question "Is the integrity of the hymen a certain proof of virginity?" the most distinguished

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Parisian physician Peral clearly responds: "I have seen women, although the case is rare, give birth while keeping the hymen intact. Therefore, I believe that the integrity of the hymen is a probable, but not certain, condition of virginity." Considering these arguments on both sides, the purpose was to determine whether it is necessary to consult the Most Holy Fathers regarding a dispensation for a marriage that is valid but not consummated in this case.

RESOLUTION. After deliberation, the Sacred Congregation decided on July 16, 1898, to respond: Affirmative.

[*Latin ed. p. 365*]

365. PARISIEN. NULLITY OF MARRIAGE. August 2, 1898. Session 24, chapter 5, Concerning Annulments. SUMMARY OF FACTS. The present matter concerns the validity of a marriage contracted by Count Edward Vandal and Genevieve Brady in Paris, on February 18, 1893, in the parish church commonly known as Saint Philip of the Wheel. They allege that this marriage is invalid. The man, at the time of the marriage, resided in the parish of Pfaffans, near Belfort, and frequently visited Paris to see his mother, who resided and still resides on Jean Goujon Street, in the parish of Saint Peter of Chaillot. "I was a registered voter there (in Pfaffans)," the man stated, "I had all my affairs there; I came to Paris one or two days a week, and I would go to my mother's." The woman, who at the time of the marriage was barely of age, resided with her father in the parish of Saint Nicholas of the Woods, near Saint-Gobain (Aisne), and, as she sometimes visited Paris, she was accustomed to stay with her sister, Miss Faure. Indeed, after the death of her mother, in October 1892, her father allowed Genevieve to spend the winter in Paris with her sister, who at that time resided at 3 Avenue Victor Hugo, in the parish of Saint Honoratus of Eylau. "In October," Genevieve stated, "I came to stay with my sister more permanently, but I had not yet the intention of marrying; it was not a question of marriage when I came to Paris; I intended to spend the winter there; in fact, I returned at the end of November, and remained there until my marriage." However, it should be noted that the sister previously resided in a rented apartment at 10 Frédéric Bastiat Street, which is located in the parish of Saint Philip of the Wheel; but since two of her children, one of whom...

[*Latin ed. p. 366*]

366. The Parisian woman succumbed to death, having contracted a contagious disease (diphtheria). Immediately, her family departed from that house, never to return, and rented another house on Avenue Victor Hugo, which, as has been noted, is located in the parish of Saint Honoré d'Eylat. However, the Faure family continued to maintain the house on rue Frédéric Bastiat under its proper name, because the lease agreement

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had not yet been terminated: "We kept that apartment because we were not at the end of the lease," said her sister, Genovefa. "We even lent it to one of our friends." Shortly afterward, when Edward saw Genovefa at a certain gathering, he was captivated by her and immediately asked her to marry him. In truth, this marriage greatly benefited the young woman and her family: therefore, after briefly expediting the matters preceding the marriage, an agreement was reached to celebrate the wedding. However, having set aside the parish church of Saint Honoré d'Eylat, within whose boundaries Genovefa and her sister resided at that time, it was decided that the marriage should be solemnly celebrated in the parish church of Saint Philip du Roule, because it was more elegant. Regarding this matter, Genovefa's sister, in good faith, as it is asserted, believed that it was of no importance, and informed the parish priest of Saint Philip that the bride's residence was on rue Frédéric Bastiat; "We chose Saint Philip du Roule for my sister's wedding because we thought we had an absolute right to it. We still had an apartment in our name on rue Frédéric Bastiat 10 in that parish." Therefore, on February 18, 1893, in the parish church of Saint Philip, Edward, who was 26 years old, and Genovefa, who was then 21 years old, solemnly celebrated their marriage before Father Mary Magdalene, a friend of the Faure family, who was delegated by the parish priest of Saint Philip, who, in turn, had not been asked to delegate anyone, believing himself to be the proper parish priest. But this marriage had unhappy consequences, primarily due to the fault of the husband, who, even after the marriage, continued to maintain illicit relationships with a certain mistress, so that, in fact, the couple separated after only one month, until Genovefa, on the 10th...

[*Latin ed. p. 367*]

PARIS, June 367, 1896, he obtained a legal separation of the parties from the civil court. Meanwhile, the husband, having learned that the marriage was invalid due to the lack of the Tridentine form before recourse was had to the civil authority for divorce, sent a petition to the Archbishop, requesting that the nullity of the marriage be declared due to the aforementioned defect. The Archbishop received the petitioner's request and, after due process, on March 5th of the following year, declared the marriage null and void due to the lack of the Tridentine form. Synopsis of the Dispute. DEFENSE OF THE HUSBAND. The advocate, defending the rights of the plaintiff, first points out that, according to Chapter Tatmetsi of the Council of Trent, which was promulgated in France, any marriage is to be considered null and void if it did not have the presence of the ordinary parish priest or the proper priest of either of the spouses, or another priest with the license of either the ordinary parish priest or the proper priest, unless one or both of the spouses were vagrants. Given this, the advocate presents three certain and entirely manifest facts in this case, which have

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not been called into question by anyone, nor can they be. The first is that neither Edward nor Genovefa were vagrants in the legal sense. Not the husband; because at the time of the marriage, he resided in the parish of Pfaffans, as clearly appears from the marriage certificate and from all the witnesses, without exception, together with the Reverend Lhôte, the Vicar of the same parish. Nor the bride, who resided with her father in the parish of St. Nicolas aux Bois near St. Gohain (Aisne), as is evident either from the letter of her parish priest or from every page of the proceedings. Secondly, the priest who officiated at the marriage was not the proper parish priest of either of the spouses, but was present by delegation from the parish priest of St. Philip. This is established from the marriage certificate itself, and from the testimony of the parish priest of St. Philip. Thirdly, it is established that the parish priest of St. Philip did not receive a delegation from anyone, but delegated from the parish priest of St. Mary Magdalene.

[*Latin ed. p. 368*]

368. PARISIEN. based on what appears to be his own right. Indeed, he himself affirms this in his testimony; moreover, it is confirmed by the parish priest of the bride's domicile and the vicar of the groom's domicile. Therefore, according to the advocate, the entire question is reduced to this: whether the parish priest of Saint Philip of Roule was, in fact, the proper pastor of either of the spouses; because, if the answer is negative, it would follow that the parish priest of Saint Mary Magdalene was present at the marriage by delegation from the parish priest of Saint Philip, who was not the proper pastor, and therefore the marriage would be invalid. Indeed, says the advocate, the parish priest of Saint Philip was certainly not the proper pastor of the groom, because he did not have a domicile or quasi-domicile, let alone a simple residence, in his parish. For, as stated above, his domicile was in the parish of Pfaffans near Belfort, and when he resided in Paris for one or two days a week, he was always a guest at his mother's house at 9 rue Jean Goujon, which is in the parish of Saint Peter of Chaillot. Furthermore, continues the defender, the parish priest of Saint Philip was not the proper pastor of the bride. For it is the law that the proper pastor is that one in whose parish a person has a domicile or quasi-domicile, so that a simple residence is not sufficient; but a true domicile or quasi-domicile is required, as all canonists agree. But Genovefa did not have a domicile, nor a quasi-domicile, in the parish of Saint Philip of Roule. Therefore, the parish priest of Saint Philip was not the proper pastor of Genovefa. And in truth, regarding the domicile, there is no doubt, says the advocate. For a domicile requires a residence in a place with the externally manifested intention of permanently remaining there; but Genovefa never resided in the parish of Saint Philip with the externally manifested intention of permanently remaining there. In the years preceding the marriage, she sometimes resided at 10 rue Frédéric

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Bastiat, having been received as a guest by her sister; but in this, according to the advocate, not even a shadow of a domicile is present. Furthermore,

[*Latin ed. p. 369*]

PARISIAN. 369 adds that, before the marriage, Genovefa could not have had a *de facto* domicile, since she had barely reached the age of majority at the time of the marriage. Furthermore, the advocate argues, Genovefa did not even have a *de facto* domicile in the parish of Saint Philip. And he recalls, above all, that, according to the authority of the Holy Office and the Sacred Congregation of the Council, a *de facto* domicile requires a continuous residence with the intention of remaining there for more than half the year. Based on this principle, the advocate asks, whether, at the time of the marriage, Genovefa had or did not have such a *de facto* domicile. The controversy, in truth, concerns the house at 10, rue Frédéric Bastiat, and the house at 130, Faubourg St. Bonoré, both of which are located in the parish of Saint Philip; since neither Genovefa nor her sister ever lived in any other houses in other parishes. And with regard to the house at 10, rue Frédéric Bastiat, it is admitted that, in the years preceding the marriage, Genovefa sometimes stayed there with her sister. "I spent some time there in the years before, while my sister lived there." But, the advocate continues, everyone can see how far "spending some time" is from the intention of remaining in a place for more than half the year. Moreover, Genovefa could arrive in Paris and leave just as quickly. For it must be borne in mind that we are dealing with a young woman whose father lived outside the city, in "St. Nicolas aux Boix," with whom she had her domicile, and whose will depended on; in other words, we are dealing with a young woman who could not possibly have the intention of staying for more than half the year, and who, in reality, never stayed at 10, rue Frédéric Bastiat for more than half the year ("I spent some time there"), and who, finally, came to Paris "in a more settled way," when her sister had already left that house for a long time. Therefore, according to the advocate, the material element, time, is lacking to establish a *de facto* domicile; the moral element, the intention, is also lacking. Furthermore, during that time, as always, Genovefa came to Paris...

[*Latin ed. p. 370*]

370. The Parisian [Hugh] was driven by the desire for pleasure, and the advocate argues that it cannot be presumed that his intention was to remain there for the greater part of the year, nor even for half the year, as some writers maintain; nor can it be said that anyone, which is not the case here, resided there for more than six months. But even granting that Genovefa, in the years preceding her marriage, acquired a quasi-domicile on the rue Frédéric Bastiat, the advocate insists that she certainly lost it, not through residence, but through a departure with the intention of not returning,

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lasting more than two years. For when Genovefa's nephews contracted a serious illness on the rue Frédéric Bastiat, the Faure family left in June of 1891, never intending to return. (Indeed, the marriage was celebrated in February of 1893, and in the immediately preceding year, Genovefa did not come to Paris). "We did not want to return to the rue Frédéric Bastiat, where two of our children, one of whom died shortly after, had contracted diphtheria," said Madame Faure. The advocate easily proves the intention of not returning, either from the fact that the Faure family never returned to that house, or from the fact that the house on the Avenue Victor Hugo was rented for three, six, or nine years. Furthermore, the house on the rue Bastiat was lent to the Faure family by Monsieur Filleul Brohy, who occupied it until the end of the lease. Just as a quasi-domicile is acquired by residing there with the intention of remaining for more than six months, so too is it lost by departing with the intention of not returning. Therefore, just as the Faure family lost their quasi-domicile on the rue Frédéric Bastiat by leaving with the intention of not returning, so too did Genovefa, who was following her sister and not intending to return, lose any quasi-domicile she might have had. As for the house on the Faubourg St. Honoré 130, the advocate does not insist on it. Since Madame Faure, who resided, as is known, on the Avenue Victor Hugo 3, had in mind, before Genovefa's marriage, to rent a house on the Faubourg St. Honoré 130, which she, in fact, did, several months after Genovefa's wedding, at the urging of her aunt, the Countess de Fitz James; but since Genovefa did not live in that house either before or during her marriage.

[*Latin ed. p. 371*]

PARISIAN. 371. Truth be told, and after marriage, a woman should not remain with her sister for more than a short time, but should reside with her husband; she could not, in that case, acquire a domicile or quasi-domicile in the same house, given the lack of the fact of cohabitation and the intention of cohabiting. No one would assert that Genevieve obtained a domicile there simply because of her sister's intention. Therefore, since Genevieve, at the time the marriage began, did not have a domicile or quasi-domicile in the parish of Saint Philip, it must be concluded, the advocate said, that she was not a member of the parish of Saint Philip, and therefore, due to the lack of the form required by the Council of Trent, this marriage was null and void.

OBSERVATIONS OF THE DEFENDER. REGARDING THE MARRIAGE BOND. On the other hand, the defender, appealing to the principles of law, with a flowing pen, initiates a discussion regarding the presence of a parishioner, which, according to the prescription of Chapter [unspecified], is required for a valid marriage; but I will not follow these elaborations. Rather, approaching more closely to our question, the advocate first notes that, in order to be certain of the clandestine nature of the marriage in

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question, two things, at a minimum, must be proven: namely, first, that neither of the spouses, at the time the marriage began, had a domicile or quasi-domicile in the parish of Saint Philip of Roule; second, that neither of them was a vagrant, or, more accurately, lacked a proper parish. If either of these is lacking, the case of Edward necessarily fails. Regarding the first point, the advocate said, the parish code is detrimental to the Count Edward. For in the certificate of the marriage, it is written: "Marie Anne Genevieve, residing at 10, rue Frédéric Bastiat." Indeed, it is known that 10, rue Frédéric Bastiat is located within the boundaries of the parish of Saint Philip of Roule. Moreover, it is well known that parish codes, which, according to the most accepted opinion of the Doctors, provide proven evidence, are superior to any other form of evidence, and carry with them all the presumptions of law. Therefore, against the instrument.

[*Latin ed. p. 372*]

572. The Parisian court, as is commonly known according to the Sacred Rota, requires precise and conclusive proofs. Furthermore, Margaret Faure, sister of Genovefa, in her deposition, confessed matters from which it can be deduced that Genovefa resided in the parish of San Felipe. For she states: "My father-in-law lived at the Abbey of Saint Nicholas (Aisne). After the death of my mother, it was decided that my sister would spend the winter with me in Paris. My sister came with me to Paris at the end of September 1892; at that time, there was no question of marriage for my sister. At the end of September 1892, I went to rue Faubourg St. Honoré 130 (situated within the boundaries of the parish of San Felipe du Roule) to visit one of my aunts, Madame de Fitz James. We had an apartment at rue Frédéric Bastiat 10, where our furniture was still located. One of my children fell ill at my aunt's house, so I stayed there to care for him." "At the beginning of October 1892, my husband and my sister carried out our move. We had just signed a lease for three, six, and nine years for Avenue Victor Hugo 3, where they immediately settled with those of the children who were not ill. We did not want to return to rue Frédéric Bastiat, where two of our children, one of whom died shortly after, had contracted diphtheria in May-June 1891. We had left that residence in June 1891. My sister, from that time onward, never lived at rue Frédéric Bastiat. We kept that apartment because we were not at the end of our lease. We even lent it to one of our friends." Furthermore, the same Margaret, when questioned by the judge: "At the time of the marriage of Miss your sister, had you already rented an apartment that had become vacant in the house of Madame your aunt at 130, Faubourg St. Honoré?" responded: "I ask permission to consult with my business advisor to clarify my memories, and I will send you the answer." However, it is noted that, among the records, the response is not

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found.

[*Latin ed. p. 373*]

PARISIAN. 373 Again, acting from a sense of duty, and at the urging of the Defender, the judge inquires: "Did you, at least before the marriage of Miss your sister, have a settled intention of leaving the apartment at 3 Avenue Victor Hugo, and at what precise time did you make this decision?" To this, Margaret replies: "Yes, before the marriage of my sister, I had resolved to leave 3 Avenue Victor Hugo, in order to be closer to my aunt, Madame de Fitz-James. What serves as a point of reference for me is the remark that Madame Vandal, the mother, made to me: 'All the better, we will thus be closer.'" Edward himself, concerning the residence of Genevieve with her sister, namely Margaret, writes in the judicial record: "Miss Brady, being of age, moved at the end of September 1892 (the marriage was celebrated on February 18, 1893), to the home of her sister, Madame Faure." Edward also recalls in his judicial examination: "The father of Miss Brady resided at the Abbey of St. Nicholas of Bois in the department of Aisne, and Miss Brady resided with her sister." Nor does Genevieve confess otherwise, as the accuser in the marriage proceeding states, for she swears: "I resided with my father, and I almost always accompanied my sister when she came to Paris. In October 1892, I came with her in a more settled manner." The parish priest, Francis Salmon, expresses concern: "Miss Brady came to Paris at the end of the year 1892. She stayed with her sister, Madame Faure. I do not believe that at that time there was yet any mention of a marriage with Mr. Vandal. Miss Brady came to Paris before the intention of marrying." Ferdinand Tempe testifies: "Miss Brady resided with her sister, Madame Faure." The parish priest, Philip of Roule, provides valuable information concerning Margaret's residence, stating: "The family of Miss Brady gave their address as the street Frédéric Bastiat in my parish. I had the opportunity to see the family of Miss Brady, and I was told that they had a residence on street Frédéric Bastiat, and that later they were to move to the parish of Chail."

[*Latin ed. p. 374*]

374 PARIS. Lot. – According to what I was told, Madame Faure, sister of Mademoiselle Brady, resided on Rue Frédéric Bastiat, and she had not left that residence; otherwise, I would not have allowed this marriage to proceed without a delegation." The aforementioned speaker notes a fact of great importance, namely, that the matrimonial consent of the parties was not obtained from the parish priest of Saint Philip of Roule; Monsieur the Abbé Le Rebours, "curate of La Madeleine, in the capacity of a friend of the family," excused himself. However, the speaker scarcely understands how a friend of the family could be ignorant of her residence. And even more so, because the Faure family, according to adversaries, had moved away from

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Rue Frédéric Bastiat in June 1891, that is, two years before the celebration of the marriage, with no intention of returning. Therefore, this priest, who has entered into the way of all flesh, if the Faure family had possessed a dwelling within the parish of Saint Honorat of Eylau at the time of the marriage, would have conspired with the Faure family, knowingly and prudently deceiving the parish priest of Saint Philip in this most serious matter. Which no sane person would easily believe. Therefore, the defender of the marriage leaves the matter in a dilemma: either the Faure family, and consequently Genovefa, still resided at the time of the marriage at their residence on Rue Frédéric Bastiat, or, certainly, they had not yet moved to 3 Avenue Victor Hugo, that is, to the parish of Saint Honorat; from which it follows that Genovefa, "after the death of her mother, came to live with her sister," during that interval of time lacked her own parish priest, and therefore could validly and lawfully contract marriage before any parish priest. On this matter, the most illustrious light of the Church, Prosper Lambertini, has the following in his well-known work, number 10: "It is a certain rule that the parish priest of itinerant persons is that of the place in which they are currently located... This holds true, even if only one of the contracting parties is itinerant. But sometimes there is some confusion, when a pilgrim is mistaken for an itinerant person, which is not true; the itinerant person is the one who, having left his own dwelling, goes in search of another where he may stay."

[*Latin ed. p. 375*]

PARIS. 375 articles, according to the text in L. [presumably a legal code], § Geisas ff., concerning municipal matters, and being a pilgrim, he travels, but with the intention of returning to his former dwelling. The same is confirmed by the authority of Sánchez, who is easily the leading expert on this matter, in his work on marriage, book 3, disputation 25, numbers 1, 2, 3, and 4: "Those are called vagi [wanderers] who have no certain and permanent residence or domicile, but wander from place to place. Those are also called vagi who, completely abandoning their former dwelling (habitation), set sail or travel, seeking where they might settle: for they are without a domicile, and therefore are called vagi. Someone might doubt whether he who, having left his former domicile, travels to a place where he intends to establish a domicile, should be considered a vagus, while he is still traveling after having left his former domicile? And I believe that he is called a vagus, and this is what the cited text and the doctors teach: for they give the reason why he is a vagus, because he is without a domicile; but he who, having left his former domicile, travels to a place where he has decided to settle, lacks a domicile while he is on the road, therefore he will be a vagus." Furthermore, Sánchez teaches, with no less clarity, that a vagus, with regard to the present matter, is not only he who leaves a nation or city, but also he who, remaining in the same nation and in the same city,

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having left his former parish, goes to another parish within the same city. He continues: "Therefore, it follows that he who, having left a parish, has not yet decided to which place he will migrate, but is seeking a home, and in the meantime stays in some parish for a short time, is called a vagus with respect to the parishioners of that parish." Furthermore, the speaker continues, it is beyond dispute that any parish priest can validly assist at the marriage of vagi, even if only one of the contracting parties is a vagus: "which, as Lambertini says in the cited passage, takes place even if only one of the contracting parties is a vagus." Thus, it is also well established in law that the domicile of Orense does not in any way prevent anyone from assisting vagi, and that in the present matter, only the domicile of habitation, and not the domicile of origin, should be considered. Let us return to Sánchez, op. cit., disputation 25.

[*Latin ed. p. 376*]

376 PARISIAN. no. 1 (therein): "It deserves to be condemned, the opinion of some, who, according to Julius Claro, assert that even vagrants should be considered to lack a domicile of origin. But he rightly condemns this, because it would be necessary for the very existence of the vagrants' status to be completely overturned, and therefore he concludes that it is sufficient to call them vagrants if they lack a domicile of habitation." And on this matter, the aforementioned Lambertini, in the cited Instruction addressed to the clergy of Bologna, states: "The second [matter] (among those resolved by the Holy Congregation and in which the authors agree) is that in the matter of marriage, the parish priest is that of the domicile, and not that of the origin." However, the defender of the marriage asks, in which parish is the domicile or quasi-domicile of the actor? Indeed, Baroness Martia de Sancy, the actor's cousin, questioned: "Where did Mr. the Count Vandal live? Where did his family live? Did he have a domicile in Paris, or did he only visit there occasionally, without any intention of staying there?" In a sworn statement given on March 23, 1897, she replied: "Mr. the Count Edward Vandal had the same domicile in Paris as his mother, at 9 Rue Jean Goujon." The advocate does not deny that the Baroness, in letters dated June 20 of the following year, addressed to the judge, argued that the actor had his domicile in the parish of Pfaffans, in the territory of Belfort. But, furthermore, besides the fact that this testimony was given three months later, she speaks of "frequent visits (by Edward) to his farm, where he was an elector and which has since been sold." Indeed, the advocate says, frequent visits to one's own estate, the right to vote, the payment of taxes, and other such things are entirely distinct from a domicile of habitation. From this, the advocate for the bond concludes that it is not sufficiently established that the Count Edward had a domicile or quasi-domicile in the parish of Pfaffans. However, the pastor of that parish, although he calls the Count "his parishioner," nevertheless

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admits, in a strict sense, that he was absent, saying: "For this marriage, Mr. the Curate of Pfaffans had no authorization to provide [the marriage]."

[*Latin ed. p. 377*]

PARIS. 577. Therefore, he concludes that it cannot be established that the marriage was clandestine, since it was not proven that Genovefa, at the time the marriage began, resided or had a quasi-domicile in the parish of Saint Philip of Roule. Nor was it demonstrated that, at that time, either Genovefa or Edward resided or had a quasi-domicile in any other parish. Given these premises, the matter was to be resolved: whether the judgment of the Archdiocesan Court of Paris of March 5, 1898, should be confirmed or overturned in this case. RESOLUTION. The Sacred Congregation, after deliberation on August 20, 1898, decided to respond: "The judgment is to be confirmed."

NAPLES. PRECEDENTS. April 2, 1898. Session 25, chapter 12, concerning reforms. SUMMARY OF THE CASE. This controversy was first proposed on January 23, 1897, and the formula for inquiry was: "Whether and in what way the precedents should be considered valid by the confreres of the Most Holy Rosary in relation to another confraternity in this case." It was decided to respond: "It is pleasing to proceed according to the vote of the Archbishop." However, the Sodalitas, which bears the names of Saint Augustine and Saint Monica, not agreeing with this judgment, requested that the case be reconsidered, and on July 31, 1897, it was responded: "Postponed to the first meeting after the next." However, at the plenary assembly on September 11, 1897, a decree was issued: "Postponed and the Archbishop shall be heard regarding the newly presented arguments" (1). (1) See *Recole*, Vol. XXIX, 675, where the first proposal of this question is reported.

[*Latin ed. p. 378*]

378 In Naples, a synoptic discussion was held. The Ordinary, having been asked for an opinion regarding the matter, reported that an error had occurred, concerning which the details are recorded in the official documents. Indeed, it is written that two of the four Sodalities of the Tower of the Annunciation began before the others, and obtained from secular authority the title of Archiconfraternity. Therefore, it is easily understood that this statement does not establish a custom, which is said to have been admitted by one of the parties involved, namely, the Sodality of Saint Augustine and Saint Monica. Furthermore, setting aside other arguments, it cannot be doubted that possession and the prior establishment constitute two titles of precedence, according to the Gregorian Bull, issued to regulate precedence. This derives from common law; and until the law is changed, so that it becomes certain that the title of Archiconfraternity carries with it the right of precedence over other Sodalities of a different kind, the question must be

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resolved according to the provisions of the Gregorian Bull. However, from the fact that the Most Holy Father has referred the question of precedence to the Congregation of the Sacred Council, it may be inferred that the title of Archiconfraternity does not confer the right of precedence. With these considerations in mind, the purpose was to resolve the doubt as to whether one should adhere to or depart from the previous decisions.

RESOLUTION. The Sacred Council, after discussing the matter on April 2, 1898, decided to respond: "Considering the newly presented arguments, one must depart from the previous decisions, and the right of precedence belongs to the Archiconfraternity of the Most Holy Rosary."

[*Latin ed. p. 379*]

FROM 3. CONGREGATION OF INDULGENCES – A WARNING. It was reported to this Holy Congregation, which is responsible for the administration of ecclesiastical indulgences and the relics of the Saints, that certain crowns, to which are attributed a large number of plenary and partial indulgences, are being distributed in Rome, and also outside of it. It is stated that for each grain of these crowns, for each "Our Father" and "Hail Mary," there are attached the Indulgences of the Holy Land. Having made a report of this matter to His Holiness, Pope Leo XIII, by the undersigned Cardinal Prefect, in an audience held on September 6, 1898, the same Holiness ordered that it be declared, for the instruction of the faithful, that the Indulgences of the Holy Land cannot and must not be understood to be granted for each grain of the aforementioned crowns, for each "Our Father" and "Hail Mary." If, indeed, a certain number of these crowns were truly blessed with the Indulgences of the Holy Land, it must be understood (as is indeed the case) that these crowns were simply granted the same privileges as those that touched the Holy Places, and nothing more. Therefore, the faithful, who devoutly possess them, can obtain only the indulgences described in the Rac-

Nuntiatum est huic Sacrae Patrum Cardinalium Congregationi, Ecclesiae Indulgentiis et Sanctorum Reliquiis curandis praepositae, cum Romae, tum vero etiam extra Urbem, Coronulas B. V. (seu Rosaria) a quibus usdamassim distribui, quibus sacras Indulgentias sive plenarias, sive partiales affatim adtribuunt, dictitantes, unicuique earum granulo, sive maiori, in quo Oratio Dominica, sive miniori, in quo Salutatio Angelica recitatur, Sacras Terrae Sanctae Indulgentias adnex a s esse. Facta huiusce rei SSiïio D. N. Leoni Papae XIII relatione per subscriptam Cardinalem Praefectum in audientia habita die 6 Septembris proxime elapsi, idem SSmus Pater Fideles opportunemoneri iussit, atque haec iisdem sedulo declarari : Sacras Terrae Sanctae Indulgentias cuique granulo (recitata ibi supradicta Oratione vel Salutatione) adnexas nequaquam dici posse. Si vero aliquot huiusmodi Coronulis speciali benedictione Sacrae Hierosolymorum Indulgentiae reapse adnexae fuerunt, id ita

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intelligendum (uti revera est), hisce Coronulis eadem privilegia concessa fuisse, ac illis, quae Loca Sancta contigerunt, et nihil amplius. Itaque Fideles, qui eas pie gestant, eas solas Indulgentias.

[*Latin ed. p. 380*]

380 From the Collection of prayers and pious works for which the Holy Indulgences have been granted by the Supreme Pontiffs, published with pontifical approval, as can be read therein under the titles "CROWNS AND ROSARIES OF THE HOLY LAND": it is to be understood, however, that in order to gain any of the plenary or partial Indulgences listed under the aforementioned titles, it is absolutely necessary to fulfill the prescribed pious works and conditions, as expressed in the aforementioned Collection. These declarations are published for the guidance of the faithful, in obedience to the express mandate received from Our Most Holy Father and Lord. Given in Rome, from the Secretariat of the Holy Congregation for Indulgences and Holy Relics, on the 6th of September, 1898.

Fr. L. £9 S. HIERONYMUS, Locum Antistitem lucrari posse, quae continentur in Collectione precum et piorum operum, quibus a Romanis Pontificibus concessae fuerunt, anno 1898, Romae SSmo D. N. Leone XIII. approbante, typis edita; quaeque ibi perlegi possunt sub titulis seu vocabulis: CORONE SANTA. E ROSARII DI TERRA.

It must be noted that in order to gain any of the Indulgences, whether plenary (which they call) or partial, which are listed under those titles, it is absolutely necessary that the pious works prescribed therein, and all the conditions which are proposed in that Collection, are most diligently fulfilled. These are published for the guidance of the faithful, obeying the mandates of Our Most Holy Father and Lord.

Given in Rome, from the Scribes' Office of the Holy Congregation for the Care of Indulgences and the Church and the Holy Relics, on the 6th of September, M. CARD. A. ARCHIEP. JOSEPHUS M. GOTTI, Prefect. ANTINOEN., Canon. 1898. COSELLI, Secretary. Substitute.

FROM THE HOLY CONGREGATION FOR RITES. Concerning the beatification and canonization of the Venerable Servant of God, Joanna Delanoue, foundress of the Sisters of St. Anne of Providence.

Among the illustrious women of the seventeenth and eighteenth centuries, in whom Christian piety and, at the same time, mercy towards one's neighbor flourished, she claims a place among those worthy of praise.

[*Latin ed. p. 381*]

From the Sacred Ritual, 381: Joan Delanoue, foundress and mother of the Institute of the Sisters of Saint Anne's Providence. This woman, sought after by the Jansenists and, with God's help, snatched away from their clutches, tasted the singular sweetness of divine mercy. Born in Salmur, in France, by pious and virtuous spouses, Peter and Francisca Hureau, on

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June 18th of the year 1666, she was the twelfth among her siblings, and on the same day she was cleansed with lustral waters. Even as an infant, she miraculously escaped a grave danger to her life. As she grew older, possessing a remarkable intellect, she strove to restrain a certain exuberance of spirit and a desire for renown. Tempted by scruples, she found peace by obeying the instructions and commands of her confessor. After the death of her parents, while living in Nafta, she indulged somewhat in the pursuit of frugality. However, encouraged by the pious exhortation of a certain widow, Francisca Souchat, whom Joan had received into her home, she, on the feast of Pentecost in the year 1694, rejected worldly things and took refuge in the bosom of divine providence. No longer concerned with herself, entirely devoted to the poor and merciful, she was, as it were, a mother. She knew that she was destined to dedicate herself to the service of such charity; and this was also foretold to her by Francisca herself. In the suburb of Saint Florentin, near Caesarodunum and Salmur, she gave a specimen of this charity; and it is especially noteworthy that the Institute of the Sisters of Saint Anne's Providence began when a young girl, abandoned by her parents and taken in by the Servant of God into her own small hospital, was there. In the year 1702, there were already twelve girls received into the hospital, and as their number increased, with the help of a pious matron, they obtained more suitable accommodations; until a large house in Salmur was established to provide a hospital for five hundred poor people. Joan, although aided by Nafta, was nevertheless unable to manage and care for such a large multitude of the poor; so, inspired by God, some young women offered themselves to help her. She welcomed these helpers, proposing to them a rule of religious life with a common habit, which they accepted on the feast day of Saint Anne, Mother of the Blessed Virgin Mary, and patron and titular saint of the new Congregation. In the year 1709, these first members took their vows; and in the following year, their rule was approved by the Bishop of Angers. The Servant of God aroused in her religious family a love of God, of one's neighbor, and a contempt for the world, and she treated them with a certain severity, often enduring the mockery of the impious and the wicked.

[*Latin ed. p. 382*]

582 From the writings and testimonies, but also from the more severe rebukes of her own conscience, the virtue of the Servant of God shone forth, like gold purified in the fire of tribulation. Moreover, God frequently granted His Servant extraordinary consolations, imploring the comfort of the Almighty. Nor were there lacking the consoling advice and words of the venerable Francisca Souchat, to which the faithful servant of God, Louis Grignon, recently added to the ranks of the Blessed, contributed with accounts of the life, institute, and rule of Joan. Meanwhile, divine Providence so expanded her works that, while Joan lived, and after her death, more

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than one hundred houses for the poor, children, and the sick, under the direction of the Sisters of St. Anne, existed in addition to the nine already existing. Finally, the Servant of God, now seventy years old, having been almost entirely worn out by the trials of body and mind, but refreshed twice a week by the visit of the diocesan Ordinary, and nearing death, spoke to her sisters about the love of God and the importance of observing the sacred rules, and, after reciting the last prayers of the Church, peacefully died on August 17, 1736. The fame of the sanctity which Joan Delanoë acquired during her life, and which was confirmed after her death, has steadily increased to this day, so that an ordinary investigation regarding her was conducted in Angers and transmitted to Rome, and presented in the Acts of the Holy Roman Church for the introduction of the cause. Therefore, with the insistent requests of the promoters of the cause, namely the Reverend Father Vincent Ligiez of the Order of the Preachers, and after his death, the Reverend Father Mauro Maria Kaiser, a priest of the same Order, acting also in the name of the Most Reverend Bishop of Angers and the Congregation of the Sisters of St. Anne of Providence of Saumur, and considering the letters of request from several Most Reverend and Most Reverend Cardinals, and from numerous Most Reverend prelates, as well as from Abbots and Superiors of Orders or regular Congregations, and since decrees have been issued either concerning the non-discovery of writings of the Servant of God, in order to proceed to further steps, or concerning the proposal of the Signatura Commission for the introduction of the cause in the Ordinary Congregation before the expiration of ten years without the intervention and vote of Consultors, the Most Eminent and Most Reverend Cardinal Caietan Aloisi-Masella, Relator of this cause, in the Ordinary meeting of the same Sacred Congregation, held and signed on the day at the Vatican, proposed the following question for discussion: "Whether a Commission for the Introduction of the Cause should be appointed in..."

[*Latin ed. p. 383*]

FROM THE SACRED CONGREGATION FOR RITES, section 383, concerning the case and the effect of what is being discussed: And the Most Eminent and Reverend Fathers, Prefects responsible for safeguarding the sacred rites, after receiving a report from the Most Eminent Cardinal Prefect, and after hearing both the verbal and written testimony of the Reverend Father John Baptist Lugari, promoter of the Holy Faith, and after all matters having been carefully considered, decided to respond as follows: "The Commission is to be approved or signed, if it pleases the Most Holy [Pope]." December 10, 1898. Later, this matter was presented to Our Most Holy Lord Pope Leo XIII by the undersigned Cardinal, Prefect of the Sacred Congregation for Rites, and His Holiness, having approved the Rescript of the aforementioned Congregation, deigned to sign the Commission for the

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Introduction of the Cause of the Venerable Servant of God, Joan Delanoue, on the twelfth day of the same month and year. C. CARD. MAZZELLA 5. R. C. Prefect. L. * S. DIOMEDES PANICI S. R. C. Secretary.

FROM THE SACRED CONGREGATION FOR BISHOPS AND REGULAR CANONS: A QUESTION IS RAISED: Can students, who have not yet been promoted to the sacred orders, be expelled from religious institutes without a regular process, even if they have taken simple vows?

Most Blessed Father, N. N., prostrate at Your feet, with due reverence, explains: "There are some students in this Congregation who are not distinguished by belonging to higher orders, who, after repeated admonitions, have relapsed into notable infractions of the rules and into grave sins against their religious vows, causing scandal and seduction to other confreres, murmuring and spreading calumnies against the Superiors, the Institute, and the religious vocation. Some of these have asked for forgiveness with promises not to offend again, but they have nevertheless returned to the same vices. The frequent granting of forgiveness to those who relapse undoubtedly confirms a laxity in the manner of acting, with the danger of relaxation; and there is doubt about the understanding of the recent Decree 'Auctis admodum' concerning the faculty of expelling students who have taken perpetual simple vows and have not been ordained to the sacred orders, without a formative process, to which our Constitutions confer authority on the Superior General. Therefore, in order that this damage may be appropriately addressed, we pray..."

[*Latin ed. p. 384*]

384 FROM S. G. EPISTLES AND RULES: The consulter, following, humbly requests a solution to the following doubts: - Whether a Superior General can expel students who are not observing the rules, as in the case proposed. And, in the affirmative case: Whether the Provincial Superior possesses the same power with respect to his students? The Holy Congregation of Bishops and Regular Canons, entrusted with the affairs and consultations of Cardinals, Bishops, and Regulars of the Holy Roman Church, having considered the doubts proposed, decided to respond as follows: - To the first question: Negatively; but the Holy Congregation benignly grants the Superior General, together with his General Council, the faculty of proceeding to the dismissal of the students in question, provided that the aforementioned students have not been constituted in the Sacred Orders, in a summary manner, after ascertaining their incorrigibility, or through a canonical process with a description of the crimes and some proof, and also by appointing a Religious as Defender, always maintaining the perpetual vow of chastity which they have taken in said Institute. - To the second question: Negatively. Rome, July 4, 1898. S. CARD. G. VANNUTELLI, Prefect. L. S. A. TROMBETTA, Secretary.

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FROM THE HOLY CONGREGATION OF THE INQUISITION: LETTER from the Reverend Father, Assessor, to the Most Reverend Secretary of the Holy Congregation, concerning the delegation, etc. December 17, 1898. In obedience to the orders received from the Most Reverend Cardinals, Inquisitors General, the undersigned Assessor of the Holy Office hastens to inform Your Excellency, according to the norms of this Holy Dicastery, as follows: In the Congregation of February 14th, the doubt was discussed: "Can a Diocesan Bishop delegate, without special concession, to his Vicars General, or to other ecclesiastical persons, in a general manner, or at least for a particular case, the faculties granted to him by the Apostolic See for a time?" And the aforementioned Most Reverend Fathers issued the following response, approved in the subsequent audience by His Holiness: "Affirmatively, provided that it is not prohibited in the faculties, nor is the delegation restricted to some only; in this case, the established form of the rescript must be strictly observed." With sentiments of the highest esteem, the undersigned repeats himself, Your Devoted Servant, CASIMIRO, Archbishop of Lepanto, Assessor.

[*Latin ed. p. 385*]

385 FROM THE SACRED CONGREGATION OF THE COUNCIL OF NAPLES, PRECEDENTS. July 16, 1898. Session 25, chapter 12, Concerning Reform. SUMMARY OF FACTS. In the City of Naples, a College of Doctors in Theology has been established since very ancient times, whose duty it was to teach sacred disciplines and to honor those who had proven themselves worthy of their instruction with rights, privileges, or academic degrees. The Princes of the Kingdom of Naples, who established this College, had the Masters attached to it as royal advisors and royal counselors, and they appointed them to exercise censorship on books to be condemned, and to safeguard, in the name of royal authority, the protection and growth of the Catholic Religion. The Theologians, indeed, contend with great zeal that their College, established by royal authority, has never deviated from obedience and reverence to the Roman Pontiff, but rather that the College itself was restored and renewed at the request of King Ferdinand of Aragon by Pope Paul II, and that it now boasts the title of a Pontifical College, as can be gathered from the attached Brief, *In suprema*. The College recounts in its annals that outstanding men have emerged from its ranks, worthy of all praise and honor, and that among these were four Roman Pontiffs, among whom was Benedict XIII, who was the Master Dean of the College. This Theologian was honored with insignia granted by the Brief *In suprema*, from the perspective of Apostolic dignity. In another Brief, the same Pontiff determined the use of these insignia and granted another insignia. The Theologians diligently pursued their duties according to the ancient con-

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stitutions until the year 1860, when, due to political upheavals...

[*Latin ed. p. 386*]

386 In Naples, men of the most deplorable character have proceeded to such audacity that they have not only overturned the entire system of studies in the Catholic universities of Italy, but, with impious boldness, have removed the theological faculties from these centers of learning, as is lamented by Pope Pius IX in the Brief "Inter gravissimas," issued in the year 1874, for the restoration of the Theological College in the city of Naples. The ancient Theological College, wisely adapting itself to new times, has lost nothing of its former dignity, so that most learned and distinguished men, and even Cardinals, have been enrolled in its ranks for the sake of honor. Moreover, Pope Leo XIII has not deemed it beneath him to bestow a name upon the College. Meanwhile, the theologians have begun to assert their right to a certain place of honor and precedence in public functions and supplications, in which other religious bodies are present; for their College is now a pontifical college, dependent on the Sacred Congregation for Studies, and immediately under the Metropolitan Archbishop of Naples. They therefore inquire whether they can precede the canons of the collegiate church, or at least the parish priests. A Synopsis of the Arguments: THEOLOGIANS' DEDUCTIONS. From the Pontifical constitution, the theologians strongly assert the title and rights of their college as a pontifical college, whereby the Metropolitan Archbishop of Naples, for the time being, performs the office of Chancellor of the Theological College, but by the name and delegation of the Holy See; therefore, when the See of Naples is vacant, the College is directly under the Sacred Congregation responsible for the regulation of studies. The theologians earnestly insist on claiming the title of a pontifical college, so that they may renounce the designation of a mere secular and royal college; and thus, they can more easily persuade others that they are entitled to a share in public functions and supplications, since they constitute a college not merely scientific, but ecclesiastical and liturgical, or ordered even to perform certain functions of public worship.

[*Latin ed. p. 387*]

NEAPOLITANA 387. Theologians relate that a controversy arose concerning this matter in the year 1730 between their College and four ecclesiastical sodalities, and that the dispute was settled by the Roman Sacred Rota, which vindicated the College of Theologians' right to participate in sacred functions and to a fitting precedence. Furthermore, the Theologians recount that, since 1785, they have annually held a place near the Blessed Sacrament in a solemn supplication conducted by the Oratory known as the Holy Scala. Indeed, the laws, statutes, and privileges of the College, published in 1831, chapter 34, stipulate: "In all processions, the Masters

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shall not proceed further than is necessary, except in matters of extreme importance and with the consent of the Great Chancellor; and then they shall always proceed in their academic robes, as shall the Porter with the collegiate sceptre and the violet talar. Nor shall any private Masters, without a sceptre, henceforth dare to participate in processions, under penalty of deprivation of their emoluments for two months." However, in the years 1854 and 1856, the Neapolitan Curia, in its decrees, denied the College of Theologians the right of precedence with regard to Collegiate Churches and even to the parish priests. The situation was as follows: In the year 1854, among other functions to be held in honor of Saint Cajetan of Thiene, a solemn supplication was announced, and by royal decree, the order was prescribed whereby the Neapolitan College would have a place, with an assigned place of honor, for the Theologians' College. However, the Neapolitan Curia did not approve of this arrangement and decreed that the parish priests should have precedence over the Theologians, who, after issuing a protest, complied. The King then entrusted the matter to be examined by a Commission of Justice or of Ecclesiastical Affairs within the Council of State, which, in 1856, rendered a judgment in accordance with the intentions of the Theologians. However, the Archbishop of Naples rejected the judgment and did not allow it to be carried out, declaring – as always and as is right – that precedence belongs to the canonical parish priests. The Theologians obtained their due, but they bore the wound in their hearts; therefore, today they are firmly pursuing a claim for vindication before the Most Excellent Senate of His Most Excellent Highnesses, and they urge, to them.

[*Latin ed. p. 388*]

388 In Naples, after considering the reasons presented by both sides, the Theologians, through their defense document, more clearly explain their position. However, the main points of the defense are twofold: first, the quality of the College, which the Theologians are confident has sufficiently proven itself to be ecclesiastical and liturgical; and second, the inherent dignity and excellence that, they claim, belongs to this College, which they cite from the texts of Holy Scripture due to the preeminence of Holy Theology, as confirmed by Honorius III in chapter "Super Specula" in the title "De Magistris," where he states: "We wish and command that the Statute concerning the establishment of theological professors in each metropolitan see, as determined by the General Council, be observed inviolably. We decree that, because some might perhaps excuse themselves for this reason due to the scarcity of professors, that certain individuals be assigned by the prelates and chapters of churches to the study of the theological profession, so that, having been instructed in the Church of God, they may shine forth like a firmament: from whom a supply of doctors may later be obtained, who, like stars, will remain in the eternities, instructing many in justice; and

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if their own earnings are not sufficient, that the aforementioned provide the necessary support." Therefore, the Theologians conclude that it is their due to participate in sacred functions, as indicated by the sacred insignia with which they are adorned, and as is taught by custom; it would truly be a great disgrace for Theologians to walk behind the Canons of collegiate churches, and especially behind parish priests, who do not properly constitute a College, but only walk together collegially, just as it would be disgraceful for professors to walk behind their students.

OBSERVATIONS OF THE CANONS. On the other hand, the Canons of the three collegiate churches and the parish priests have presented their observations. These agree on acknowledging the ancient origin of the College of Theologians, although they do not entirely agree whether this origin should be attributed to Roger the Norman, as the Theologians contend. However, the opponents deny the Theologians the precedence they seek, primarily because their College is a doctoral and academic one, having no place in the hierarchy of jurisdiction and ecclesiastical ministry, and therefore, by common law, the precedence is not granted in public.

[*Latin ed. p. 389*]

NEAPOLITANA 389 concerning sacred functions. Since ecclesiastical benefits and offices are ordered for the governance of the faithful people and are a measure of precedence within the Church, according to the decision of the Congregation of Rites on January 22, 1678, namely: "A priest provided with a benefice, even a simple one and outside of a Collegiate Church, is to precede simple, older priests in processions and simple functions." And because theologians object, noting that precedence over Canons belongs to the Vicar General and the Titular Bishop, the opponents reply that this must be understood as belonging by its own force to the office ordered for the public governance of the faithful, or from the hierarchy of jurisdiction. Furthermore, they note that the facts cited by the theologians do not invalidate customary law, because the theologians do not prove that they preceded the Canons and Parochial Vicars. Regarding the specific case of the procession held from the Shrine of the Holy Stairs, in which the theologians occupied the place next to the Most Holy Sacrament, the opponents state that "the place next to the Most Holy Sacrament was occupied provided that the most excellent Prefects of our City [i.e., civil magistrates] were also present" (Article XXXVI of the modifications of the ancient Statute). They assert that neither the Canons nor the Parochial Vicars were present at this function; and from this, they confirm the nature of the theologians, who, from their origin, were royal chaplains. The opponents maintain that this character of the College was not abolished by the Brief "Inter gravissimas," because this restored the old College, which was most amply confirmed. Regarding the discipline of theology, they insist that the Pontifical College can be called and is

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subject to the Congregation of Studies; as also its insignia signify the older origin of this College, founded in the media [middle] age, when Masters used special vestments to distinguish themselves from others and from their students. In particular, they point out that the solemn vestments of the theologians, distinguished by the colors white and black, refer to the habit, but shorter, of the Dominican Fathers; since originally, many of the Masters in the College of Theology were from that Order, and were in the Convent.

[*Latin ed. p. 390*]

390 In NEAPOLITANA, the theological studies of these Brothers were begun. The pectoral cross, commonly called the *enkolpion*, they say, is the sign of the Theology, or the Wisdom, of the Cross. In the observations presented by the Canons of the three Collegiate Churches, more is discussed, as to how each [institution] shows its older origin or establishment before the College of Theologians; but because these do not affect the Theologians, nor do they sufficiently prove the intention of the contrary, unless other arguments of law were available, hence, omitting these historical inquiries, those things are reported which seem more relevant to the matter. The Canons of the Collegiate Church of the Most Holy John argue in this way in the law: "The entire body of law demonstrates that in the hierarchy of jurisdiction and honor, persons are classified as follows: Supreme Pontiff, Cardinals of the Holy Roman Church, Papal Legates, Patriarchs, Primates and Exarchs, Metropolitans and Archbishops, Bishops, Prelates, Canons, and Parish Priests." Many true writers in the science of law attribute a place of honor to the Canons, such as Florentius, *Opera Iuridica*; Matteucci, *Officialis curiae ecclesiasticae*; Selvaggio, *Institutiones*; Gravina, *Ius Canonicum*; Talletta, *Partitiones Iuris Canonici*; Lancellotti, *in Corpus Iuris*; Soglia, *Institutiones Iuris publici ecclesiastici*; Alteserra, *in Libros Clementinarum Commentarii*. For the sake of brevity, it suffices to cite among the numerous citations from the Council of Trent (Session XXIV, Decree, on Reform, chapter XII): "The Holy Synod also urges that in Provinces, where it can be conveniently done, all Dignities, and at least half of the Canonicates in Cathedral Churches and Collegiate Churches, be conferred only on Masters or Doctors, or even on those licensed in Theology or Canon Law." Therefore, the Magisterium, the doctorate, etc., can be elevated to a Canonicate; nor can it be said that a Canon has been promoted to the doctorate of Sacred Theology. Fagnanus, *Commentaria in Libros Decretalium*, a. 1661, on Postulates, chapter: "Of good memory, in the first."

[*Latin ed. p. 391*]

NEAPLES 391, Part I. Books of Decrees... N. 9: "Thus, if the Pope issues a rescript against Titus of Clairac and certain others, those under that general

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clause are not included among the Canons; because they are more deserving than simple clerics. Therefore, since a Canon possesses the quality of being a Canon, beyond other clerics, in matters of strict observance, he should not be subject to the appellation of 'clerics'." If one proceeds to practice, it is found that Canons are given precedence over parish priests and others of the clergy. "Canons of Collegiate Churches are given precedence over all Curates and Presbyters of parochial churches and other simple churches in public processions, functions, and synods (Sacred Congregation of Rites, in Faventina Brisighellae, March 12, 1616). Sacred Congregation of Rites, Decree, December 11, 1613." "N. 1079 - To Canons of Collegiate Churches, precedence is always given over Parish Priests at funerals (Sacred Congregation of Rites, Decree, September 13, 1646). In Sutri, August 20, 1602, and August 2, 1603, and in Meliten, November 18, 1606, and in Ostia, Terra di Cori, May 9, 1617, and in Praenestina Cavarum, August 16, 1618." "To priests serving a particular church, who are distinguished by an Apostolic concession and who act collegially, precedence is due, after the Chapters of Collegiate Churches and after Parish Priests (Sacred Congregation of Rites, June 27, 1161)." Ferraris, Bibliotheca, loc. cit., Vol. I, Title - Cross, demonstrates this with the Decree of the Sacred Congregation of Rites of July 21, 1645, in Fossan, and states: "That Decree was subsequently confirmed by the same Congregation in Arezzo, in the year 1664, between the monks of Monte Cassino and the Chapters of Cathedrals, and again between those same parties, on December 22, 1697, in the response to the first question. Where, you see, with the aforementioned Decree in force, not only when a Chapter of a Cathedral is present, but also when a Chapter of a Collegiate Church is present, all those invited to the funeral must proceed under that single cross. This was also decreed by the Sacred Congregation of Bishops and Regular Canons, of the Nullius Almae Juris, regarding the burial rites, on August 2, 1709, in the response to the second question from the Doubts concerning the Reformed Order of St. Francis and the Chapter of the Collegiate Church of the same place." And the same...

[*Latin ed. p. 392*]

392 Naples, *Actor*, vol. VII and VIII - under the word - "Precedence," adds: "Precedence is due to the Canons of Collegiate Churches over the College of Parochial Priests and other Presbyters, even of the same City, when they convene together on the occasion of a Synod or another similar cause. The Sacred Congregation of Rites, in Faventina Brisighellae, March 12, 1616 - attested by Sellio, cap. 47, no. 8, and Barbosa, *loc. cit.*, no. 7. Pope Pius IX, Constitution of August 29, 1872, concerning the Privileges of Apostolic Protonotaries of the Rank, granted precedence to the Canons united in a collegiate body over Prelates of honor. "Apostolic Protonotaries of the Rank, raised to this honor by the Supreme Pontiff, are immediately included among the Domestic Prelates. "Those Clerics, both Presbyters

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and individual Canons, as well as superiors of Regular Orders, who wear the habit of Prelacy, precede all others, unless they possess the privilege of Pontifical rank. However, Vicars General or Capitular, Canons united in a collegiate body, and Abbots do not precede. "VII. If anyone holds a Canonry or dignity in any Church, they shall be considered and proceed in the place that belongs to them by reason of their benefice. But if, nevertheless, they wish to use the habit of Prelacy, they shall occupy the place assigned to them above. Castaldo - "Accurate Treatise on the Practices of Ceremonies or Sacred Rites," 1625, Book II, section X, chapter 11, concerning the Procession of the Sacrament to be celebrated in Collegiate Churches. The Master of Ceremonies orders the Procession, as above, in which the Clergy of the Collegiate Church proceeds last, preceded by a Subdeacon prepared to carry the Cross, situated between two Ceroferaries with candles lit. Speaking of the Procession of the Most Holy Sacrament of the Body of Christ to be celebrated by the Bishop (chapter III): "The secular clergy follows - in order - first, carrying the Cross of the Cathedral Church, situated between two Ceroferaries with candles lit. Clerics of the Seminary, if present, wearing *superpellicei*; after them, Cu-"

[*Latin ed. p. 393*]

"In Naples, the following order is observed in ecclesiastical processions: First, the parish priests with their vestments and, if they customarily carry them, their banners. Then, the collegiate churches, also with their banners. Finally, the clergy of the cathedral church."

"If prelates are present, they proceed immediately after the bishop, wearing a mantellet over their rochet." (Gavanto, *Thesaurus SS. Rituum* [1740], vol. I, part IV, title XIII, § III, concerning the solemn procession of the Most Holy Body of Christ.)

"After them, the pastors of the parish churches should precede, with their vestments and their banners, if they are accustomed to carry them; then the collegiate churches, also with their banners; and then the clergy of the cathedral church."

"If prelates and lay nobles are present in this procession, they walk after the celebrant." (Coeremoniale Episcoporum, reformed by order of Pope Clement VIII [1600], concerning the feast of the Most Holy Body of Christ and the procession, chapter XXXIII.)

"Then, the clergy, that is, first, the minister carrying the cross of the cathedral church, situated between two clergy members carrying two candelabras with lit candles; then, if they are present, the clergy of the seminary, and after them, the pastors of the parish churches with their vestments; then the collegiate churches with their banners, if they are accustomed to carry them, and finally, the clergy of the cathedral church."

Finally, the canons deny to the theologians any custom or possession

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of precedence that these [theologians] may have obtained in sacred processions, recognizing them only as chaplains of the court, with regard to royal functions in which the entire Neapolitan clergy has not customarily participated. They also discuss more subtly about the banners; but since neither party can prove the privilege of precedence, these matters are set aside.

PARISH PRIESTS: "The power of the parish priest is a participation in the pastoral office, which by divine law is proper to the bishop." (Santi, *Tit. XXIX, Lib. III*, Praelectiones Iuris Canonici; Pignatelli, *Consult.* 12, vol. V, no. 19, speaking of precedence, places the parish priests after the bishop.)

[*Latin ed. p. 394*]

394 In Naples, "The parish priest," says Barbosa, "in processions precedes all the priests and rectors, wearing a cope." However, by decree of the Most Holy Congregation of Councils (June 27, 1868), it is decided: "To priests serving in a particular church, who are distinguished by an Apostolic concession and who agree collegially, precedence is due after the chapters of collegiate churches and after the parish priests." Furthermore, it is reported that this decision was given by the Most Holy Congregation of Rites on March 16, 1615, in Monreale; namely, "The doctorate does not confer precedence among canons and priests, but only by reason of order and seniority." When theologians object to the wearing of the stole by parish priests in processions, arguing that it should only be worn in the administration of the sacraments, the parish priests maintain that they have a legitimate custom of wearing it, according to a declaration of the Most Holy Congregation of Rites on December 3, 1881, in Syracuse; namely, "Your Eminence has presented to Us a custom that has long prevailed in the diocese entrusted to your care, whereby parish priests use the stole in all functions. Since this is not confirmed by liturgical laws, Your Eminence asked whether such a custom is permissible? The same Holy Congregation, after mature deliberation, decided to write: 'The aforementioned custom can be tolerated.' With these and other considerations, the following question was proposed: Whether and how the esteemed College of Theologians has the right of precedence in processions and in any sacred functions, both with regard to the canons of collegiate churches of the Archdiocese, and with regard to the parish priests of the City of Naples. RESOLUTION. After deliberation on the matter by the Most Holy Congregation of Councils on July 16, 1898, it decided to respond: Negatively, in all cases.

[*Latin ed. p. 395*]

395 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF MONTPELLIER, DECREE of July 1, 1898. By a decree of the Holy Congregation of Bishops and Regular Canons, dated November 23, 1891, Sister Mary of Calvary (in the world, Martha Renard), a nun of

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the Congregation of the Assumption, obtained the faculty of remaining outside the cloister, at the will of the Holy See and under the authority of the aforementioned Cardinal Prefect of the Institute, with the provision that she receive monthly stipends of fifty livres for her support, to be paid by the Institute to the aforementioned nun. As reported by her Protector, the cause of this resolution was a certain mental infirmity or monomania concerning a solitary life, to which Sister Mary of Calvary was unsuited, having been unable to conform to the demands of religious life; in this manner, she resided in Rome until the beginning of July 1894. However, the Nuns of the Assumption, observing that the manner of life of their sister did not correspond to the rule and spirit of the Institute, invited her either to definitively leave the Congregation, or to re-enter it. Having accepted the second option, Sister Mary of Calvary, as evidenced by her letter dated June 9, 1894, went to the monastery of Montpellier. But shortly thereafter, regretting the decision she had made, she petitioned the General Superior for permission to return to private life. The General Superior granted the requested permission, but under the condition that she definitively leave the religious life. However, Sister Mary of Calvary, having left the monastery and returned to the city, insisted to the Congregation of the Assumption that the monthly stipend of 50 livres be resumed, which had been interrupted due to her return to the monastery in June 1894. The General Superior refused, stating that Sister Mary of Calvary could no longer be considered as a member of the Institute; therefore, she was not entitled to the stipend. *THIS IS A SUMMARY OF THE FACTS.*

[*Latin ed. p. 396*]

396. The religious of MONTIS PESSULANI, nevertheless, declared that she did not object to the aforementioned solution under the title of charity, provided that, having been dismissed from the Congregation, she might reside in some institution; this condition, although imposed by the Cardinal Protector of the Institute, was entirely rejected. Subsequently, from January 1895 until the month of August 1897, the Sisters of the Assumption, by order of the Most Holy Congregation and the Regularies, entered into a transaction to transfer 1017 documents to Sister Mary of Calvary, while preserving the rights of the nuns regarding a pension in the future. Therefore, the Superior of the Sisters of the Assumption, desiring that all controversy be resolved, granted fifteen days to Martha Renard to return to the Monastery; these days passed without result, and she was considered to have been dismissed from the Congregation, and simultaneously, she requested that this resolution, approved by the Most Holy Audience of Congregations, of Bishops, and Regulars, definitively resolve the dispute concerning the pension imposed by the aforementioned decree of November 25, 1891.

A Synopsis of the Dispute: The nuns primarily contend that Martha Re-

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nard can no longer be considered a member of her Congregation, because: 1° by a decree issued by the Council of Sisters dated December 11, 1894, she herself, according to her own will, was dismissed from the Congregation; 2° because, having been invited again, under special circumstances, to return to the Monastery, under the condition of definitive dismissal if she did not comply, she preferred to refuse. It is true that Lady Renard still retains her vows, but the nuns observe that this depends exclusively on her own will, since she can obtain the solution of her case through a Pontifical dispensation. Lady Renard indeed wishes to be considered a religious when it comes to receiving a pension, but it is quite another matter when the observance of the rules of the Institute is invoked, outside of whose enclosure she has resided for several years, without having any connection with the Superior of the Congregation.

IN FAVOR OF THE SISTERS OF THE ASSUMPTION.

[*Latin ed. p. 397*]

MONTPELLIER 397. Secondly, even supposing that Martha Renard can still be considered a religious, the Nuns maintain that she ought to remain entirely and completely separated from the Congregation of the Assumption in the world. Indeed, through a letter dated December 2, 1894, Madame Renard requested the faculty to definitively leave the Congregation of the Assumption, and the Superior General, after hearing the counsel of the sisters, by letter dated January 18, 1895, granted her request; therefore, from that time forward, she ought to be considered as having been dismissed from the Congregation. Furthermore, the Nuns state that if she was subsequently invited to return to the Monastery with a deadline, this was done to remove all ambiguity and in obedience to the disposition of the Sacred Congregation of Bishops and Regular Canonries. From the foregoing discussion, the Nuns inquire, it is easily demonstrated that their Institute ought to be considered as having been exempted from the obligation of paying the monthly pension of 50 livres imposed upon the aforementioned Madame Renard by the rescript mentioned above, dated November 25, 1891. For Madame Renard has no further connection with the Institute of the Sisters of the Assumption, which she left of her own accord; therefore, it is also just that the Congregation should be declared free from any obligation towards the person who no longer belongs to its body.

OFFICIAL OBSERVATIONS. The Reverend Master defends this thesis. A religious person dismissed from an Order, according to canon law, unless a dispensation from their vows is granted by the Holy See, must be considered as still being in some way bound to the Order. Indeed, this concerns either a religious person who has made solemn vows, or a re-

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ligious person who has made simple vows. In the first case, even if the religious person has obtained an indult of secularization, they must still be considered a religious person. For this is either a temporary or a perpetual indult. If it is temporary, then the person who obtained it does not cease to be a religious person, as taught in the *S. Praelect. Iur. can.*, book 3, title 35: "A religious person who, by concession of the Holy See, lives outside the cloister, remains a true religious person." And this applies even if they have permission to lay aside their habit, while wearing secular clothing.

[*Latin ed. p. 398*]

398. The part of Montpellier ought to bear the religious habit. If, however, the dispensation from religious life is perpetual, the same conclusion seems to follow. Indeed, to the aforementioned dispensation, it is commonly added, as testified by Saint [Alphonsus], "retaining some internal sign of his regular habit, so that he may observe the essential obligations of his profession, which are compatible with his state, and may live under the obedience of his ordinary, even in the force of his religious vow." Therefore, although a religious who has been perpetually granted a dispensation from religious life is no longer bound to observe the rule of his Order, it cannot be said that he is released from the essential obligations of his vows. If we are speaking of those who have made solemn vows, the same seems to be true, according to the Roman Summist [commentary], because 1° the solemnity in vows is something extrinsic; 2° as testified by Bouix in his treatise on Canon Law, page 6, chapter 3, question 4, in the constitutions of Institutes with simple vows, it is sometimes stipulated that "the religious, having been expelled and dismissed, is considered to be released from his vows by the very fact." And then, truly, that religious remains entirely free from the bond of vows and becomes, from a religious, a non-religious. Therefore, since the dissolution of vows is necessary, especially those of poverty and obedience, in order for someone to pass from the state of religious to the state of the laity, and since this dissolution has not occurred in this case, neither by order of the Holy See, nor by order of the Congregation of the Assumption, whose constitutions do not provide for the dissolution of vows in the case of a religious being dismissed, it seems that it must be maintained that Sister Mary of Calvary, in the world Martha Renard, even though dismissed from the Institute of the Sisters of the Assumption, should still be considered a religious. As for the other two points in question, namely, whether it is advisable for the aforementioned Sister to remain in the world, either as a religious outside the cloister, or in the pure state of the laity, and thirdly, whether the Sisters of the Assumption are still bound to pay the pension established by the rescript of November 25, 1891, the Roman Summist, after briefly considering the matter, refers the

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entire matter to the judgment and prudence of the Holy Office.

[*Latin ed. p. 399*]

OF MONTPELLIER 399. Having stated the foregoing, the following questions were presented for consideration:

I. Whether Sister Mary of Calvary still belongs to the Congregation of the Assumption. And in the affirmative:

II. Whether and in what manner it is fitting for her to remain in the world. And in the affirmative:

III. Whether and in what manner a pension of 50 livres should be paid to her, as prescribed by the decree of the Holy Congregation of Bishops and Regular Canons in the year 1891.

RESOLUTION. On July 1, 1898, the Holy Congregation of Bishops and Regular Canons, having considered the questions: I. Whether Sister Mary of Calvary still belongs to the Institute of the Assumption; II. Whether a pension of 50 livres should be paid to her, as decreed on November 25, 1891, decided as follows:

Regarding I: The Holy Congregation approves the dismissal from the Institute, carried out with the mutual consent of the parties in December 1894.

Regarding II: The obligation imposed upon the Institute of the Sisters of the Assumption to pay the aforementioned pension of 50 livres ceases from the day that said Sister returns to the Institute, that is, to the house of Montpellier, and with the understanding that: nevertheless, the aforementioned Sister will be commended to the charity of the Superiors of the Institute by the Most Reverend Cardinal Protector, under the conditions and reservations that the aforementioned Most Reverend Protector may deem more useful and salutary in the Lord.

III. CONGREGATION OF THE HOLY ROMAN CHURCH, INQUISITION: QUESTION: Whether those who are specifically excommunicated, or who have been declared so by the Pope or by a Bishop, should be avoided; and whether a lesser excommunication is incurred.

Most Reverend Father, the Bishop of N. N., having been pressed by the clergy of his diocese, who encounter several difficulties regarding the interpretation of the Apostolic Bull of Pope Pius IX, dated the fourth of the Ides of...

[*Latin ed. p. 400*]

400 From the Sacred Congregation of the Inquisition, October 1869, in order to confidently explain these matters, recourse is made to the most holy and supreme Congregation of the Universal Inquisition, seeking an authentic response. In the commentaries concerning the censures contained in Articles XVI and XVII, among the excommunications of latæ senten-

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tiæ simply reserved to the Holy Father, the term "excommunicated to be avoided" appears, and therefore, the question arises concerning the force of the Constitution of Martin V, *Ad evitanda scandala*, whether today those who are said to be avoided because of the threat of excommunication by the Pope are to be avoided, or whether even notorious assailants of clerics are to be considered as such. Again, whether those who are explicitly excommunicated are to be avoided, or whether those who are explicitly declared to be excommunicated by a Bishop are to be avoided. Finally, whether one who communicates with an excommunicated person to be avoided, apart from the cases expressed in the Apostolic Bull, incurs or does not incur a lesser excommunication. Certain Doctors, reasoning either from the principle "the legislator expresses what he wills, and is silent about what he does not will," or from the principle "exceptions must be restricted," argue in favor of a negative answer; others, however, object, citing the favorable privilege of canon law, and the will of the legislator in juridical matters. In order to dispel anxieties concerning a matter of such importance, the Bishop, as speaker, humbly requests a Pontifical response to the following four questions: I. Are those to be avoided who are explicitly excommunicated, either by the Pope or by a Bishop? II. Are those to be avoided who are explicitly declared to be excommunicated, either by the Pope or by a Bishop? III. Are notorious assailants of clerics today to be avoided as excommunicated? IV. Does one who communicates with an excommunicated person to be avoided, apart from sin, today incur a lesser excommunication? Thursday, January 9, 1884. In the General Congregation, before the Most Eminent and Reverend DD. Cardinals, Inquisitors General for the Faith and Morals, having presented the aforementioned questions, and with the prior vote of the Most Reverend DD. Consultors, the same Most Eminent and Reverend Fathers were commanded to respond as follows: To I and II: Affirmative, according to the norm of Constitution Martin V, which begins *Ad evitanda*; with the exception that those who communicate with excommunicated persons to be avoided today do not incur excommunication.

[*Latin ed. p. 401*]

FROM THE HOLY SACRED INQUISITION 401, concerning a greater dispensation, beyond the cases included in the Apostolic Constitution of October 4th, 1869. Regarding III. Affirmative, as above, according to the venerable Bull "Ad evitanda." Regarding IV. Let the Decree of February 5th, 1883, in the Secret Archives, be given, which reads as follows: "I. Almost all commentators on the Apostolic Constitution, most holy Pope Pius IX, teach that, by virtue of this Constitution, the lesser excommunication has been abolished. Whether this opinion can be safely taught in one's seminary? — To this, the Most Eminent and Reverend Fathers have decreed: Affirmative, with the expressed consent of the Most Holy." On the same day, in an

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audience granted to the Most Holy Father, Pope Leo XIII, by the Most Eminent and Reverend Fathers, the Most Holy Father approved and confirmed the resolution of the Most Eminent and Reverend Fathers. I. Reverend Father Mancini, Secretary of the Sacred Roman and Universal Inquisition. DOUBT: Whether, if the lesser excommunication ceases, does the obligation to not communicate with those who are under the lesser excommunication also cease? On Thursday, August 2nd, 1893, the following doubt was presented to this Sacred Roman and Universal Inquisition for clarification: Whether, if the lesser excommunication against those who communicate with those who are specifically excommunicated by the Supreme Pontiff is removed, is the prohibition also considered removed? Furthermore, in a General Congregation held before the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, concerning the aforementioned doubt, and with the prior vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers decreed the following: Negative. On the following Friday, August 3rd of the same month and year, in an audience granted to the Most Holy Father, Pope Leo XIII, by the Most Eminent and Reverend Fathers, the Most Holy Father approved the resolution of the Most Eminent and Reverend Fathers. I. Acts, Reverend Father Mancini, Volume XXXI, page CCLXVII, Secretary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 402*]

402 FROM THE SACRED CONGREGATION OF THE INQUISITION: A QUESTION; whether those reserved to the Pope can be absolved without the obligation of writing to the Sacred Penitentiary, when neither the confessor nor the penitent are able to send the requested letters. Most Blessed Father, the Priest N. N., having hastened to the feet of Your Holiness, humbly presents the solution to the following questions: I. Whether the decree of the Sacred Roman and Universal Inquisition, dated June 23, 1886, should be understood only in reference to those who are unable to physically approach the Holy See; or also in reference to those who are not even able to appeal to the Holy See, either in person or by letter, either through themselves or through a confessor? II. And, to the extent that the aforementioned decree should be extended to those who are not even able to appeal to the Holy See by letter, how should the confessor proceed? And God, etc. Thursday, November 9, 1898. In the General Congregation, before the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, having presented the aforementioned questions, and after considering the vote of the Most Reverend Consultors, the Most Eminent and Reverend Fathers gave the following response: To I and II. When neither the confessor nor the penitent are able to send a letter to the Sacred Penitentiary, and it is difficult for the penitent to approach another confessor, it is permissible for the confessor

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to absolve the penitent, even from sins reserved to the Holy See, without the obligation of sending a letter, provided that he uses the proper formula. The following Saturday, November 12th of the same month and year, in the audience granted by His Holiness, Pope Leo XIII, of blessed memory, the Most Holy Father approved and confirmed the resolution of the Most Eminent and Reverend Fathers. I. Canon Mancini, Notary of the Sacred Roman and Universal Inquisition. A QUESTION: Whether it is sufficient to have a domicile within the Diocese, but not within the Parish, for the purpose of marriage; and whether the Bishop can generally delegate the celebration of marriages to parish priests who are not his own. The undersigned Archbishop N. N. proposes the following questions to the Most Holy Sacred Roman and Universal Inquisition, in order to more securely fulfill his office in administering the Diocese.

[*Latin ed. p. 403*]

I. In this great City N., where people of all conditions gather, and where many frequently change their residence, it is often the case that servants, who now live with one family and now with another, do not acquire a permanent residence or even a quasi-residence in any particular parish. They come to this city N. in order to seek employment and sustenance, and indeed, they reside within the Diocese of N. for a considerable time, or even for several years; so that, even if they do not acquire a permanent residence or a quasi-residence in this or that parish, because of the frequent change of residence, it can be said that they have a residence within the Diocese, to which they have come to reside permanently, or at least for a long time. Now, when it comes to contracting marriage with these individuals, the Archbishop has hitherto considered his subjects to be under his jurisdiction and has been able to delegate to the pastor of the parish where they actually reside the power to celebrate the marriage, provided that they have resided within the Diocese for a sufficient time to establish a residence or quasi-residence, or if they have no other residence outside the Diocese of N., or if they still maintain some other residence elsewhere, such as a parental or fraternal home, in the place from which they are originally from. In recent times, some canonists have doubted whether such temporary residence in the Diocese is sufficient for the purpose of marriage, when a permanent residence or quasi-residence has not been acquired in any particular parish. Therefore, the Archbishop seeks to know whether he is acting correctly in delegating to the pastors of his Diocese the power to celebrate the marriages of those who are found to be in the circumstances described above.

II. It frequently happens in this City N. that someone, having prepared for marriage in the parish where they have a residence or quasi-residence, a few days before the marriage, moves to another parish, either by staying with a friend, or in some inn, until the wedding; or in the house where they intend to live after the marriage. This situation often arises with ser-

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vants and maids; but even then, they celebrate their marriage in good faith in the parish of their former residence, the pastor being unaware of their departure. To prevent the nullity of marriages contracted in this way, the Archbishop has issued a general decree stating that his subjects are free to contract marriage either before the pastor of their actual residence, or before the pastor of their former residence within three months of their departure, declaring the delegation.

[*Latin ed. p. 404*]

404 From the Sacred Congregation, it is necessary to grant this to both the parish priest. However, it was desired that the parish priests be reminded that this statute is only valid for those who reside in the Diocese of N., and not for those who, having left the Diocese of N., have presented themselves in neighboring dioceses before marriage. On Thursday, November 9, 1898. In the General Congregation held before the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, after the aforementioned doubts had been proposed and thoroughly discussed, and with the prior vote of the Most Reverend Consultors, the Fathers ordered that three responses be given: To the first reformed doubt: Can the Ordinary grant permission to parish priests to assist at the marriages of those who have resided for a long time in the diocese, but have not acquired a domicile, or quasi-domicile, in any parish? Answer: No; unless, after a diligent inquiry, it is established that those about whom the question arises do not have a true or quasi-canonical domicile, either in the city of N, or elsewhere, in any parish; but are vagrants. To the second reformed doubt: Can the Ordinary generally grant permission, both to the current parish priest of the domicile of the contracting parties, and to the previous parish priest, for three months from the date of their departure? Answer: The Archbishop should exercise his right, keeping in mind the response of the Sacred Congregation in the case of Cologne of March 18, 1893. (1). On the following Saturday, November 12 of the same month and year, in an audience granted by the Most Holy and Divine Providence, Pope Pius XIII, Reverend Father, D. Assessore, approved and confirmed the resolution of the Fathers. I. C. A. MANCINIS. R. and U. Inquisitor. Notary. DOUBT: Whether a material stay of six months in a certain parish is sufficient for domicile necessary for marriage, without the intention of remaining there for that period of time. The Official of the Diocese of N., for the sake of his own conscience, and in order to have a rule to follow in similar cases, proposes the following doubt to the Supreme Congregation: (i) Cologne, adest Vol. XXV, 641.

[*Latin ed. p. 405*]

From the Sacred Congregation 405: Approximately, after a time had passed, a man who was not Catholic and a Catholic girl, both originally

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from Romania, where they reside, after having undertaken various journeys for two or three years, and having not returned home, arrived in the city of N. They had intended to stay there for three months, and they had rented a house for habitation for a period of three months. After the three months had elapsed, they considered entering into marriage with each other. The man was free to enter into marriage, and the girl was free, having been widowed. However, since civil law prescribes that one must reside for six months in the place where one wishes to contract marriage, they extended their residence in the aforementioned city for another three months, and, in the month of November, since they had resided there for six months, they approached the Official, requesting a dispensation regarding the impediment of mixed religion and a license to celebrate marriage. The aforementioned Official hesitated, inquiring whether the aforementioned betrothed had acquired a sufficient domicile for marriage. They had indeed resided in the aforementioned city for six months; but when they entered it, they had not intended to reside there for a greater part of the year. After three months had elapsed, they considered entering into marriage and again intended to reside there for only three more months in order to fulfill the period of six months required by civil law for marriage. Lacking the intention of residing there for a greater part of the year, the Official, after consultation with learned Canonists, judged that the betrothed had not acquired a domicile in that city, and therefore did not have the authority to grant a dispensation, nor to grant a license to contract marriage. The betrothed, having prepared everything for the wedding, entered into a civil contract and departed for another region. Therefore, the Official asks whether he acted too severely in denying the dispensation and the license to contract marriage, and, with a grateful heart, will receive the response, so that in the future he may use it as a norm for similar cases. Thursday, November 9, 1898. In the General Congregation, before the Most Eminent and Reverend DD. Cardinals, Inquisitors General for the Faith and Morals, regarding the aforementioned case, and after the RR. DD. Cons-.

[*Latin ed. p. 406*]

The provided text does not contain any Scripture quotations to be corrected. Therefore, the text remains unchanged.

406 By the vote of the Most Holy Inquisition, the aforementioned Most Reverend and Right Reverend Fathers respond. The Orator acquiesces; and it is added: Those who come to the city of N from another place or parish, provided that they have resided in some parish there for six months, are to be considered to have there a quasi-domicile in order to contract marriage, unless an inquiry is made as to whether they intend to remain there for the greater part of the year, as was stated. On the following Friday, the 1st of the same month and year, in the presence of the Most Holy Lord

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N. Leo, Divine Providence, Pope XIII, and the Reverend Fathers Assessors, the aforementioned resolution of the Most Reverend and Right Reverend Fathers was approved and confirmed. I, Canon Mancinis, Reverend and Universal Inquisitor, Notary. A DOUBT arises: Whether in new parishes of heretics, established in dioceses, in which the Council of Trent has been promulgated, it must be understood that the decree "Tametsi" concerning marriages has been promulgated. Most Blessed Father, the Bishop of Costa Rica in America Central proposes the following questions to be clarified: I. Although there is no record of the Council of Trent having been promulgated in the dioceses of Nicaragua and Costa Rica, nevertheless, it has never been doubted that the same laws are in force throughout Latin America and the Hispanic world (and also Chapter I, Session 24 on Reforms of Marriage): nevertheless, a doubt arises as to whether this law of Trent must be promulgated in new parishes that are established, especially in places where the majority of the inhabitants are heretics. The specific case is as follows: The Port of Limon in the year 1870 was an uncultivated region consisting of forests. The first inhabitants were heretical Negroes and some Costa Rican Catholics. In the year 1893, a parish was established in the same port, where 1000 Catholics and 4000 heretics reside. I. Does the law of Trent apply there with regard to the celebration of marriages solely because that land belongs to a diocese in which the law is considered to have been promulgated, or must it be promulgated anew? Are marriages celebrated by heretics valid before a non-Catholic minister or before the Government in the Port of Limon?

[*Latin ed. p. 407*]

FROM THE SACRED CONGREGATION 407, III. In the year 1897, 27 heretics renounced their errors and returned to the Church. The pastor asks what should be done with those who have entered into marriage, according to n. II, explained below. After baptism, is the condition of a valid marriage renewed, or not? IV. Is it fitting, in order to dispel doubts, for the Council of Trent to be published? V. Is it fitting to petition the Holy See for a dispensation regarding the marriages of heretics, as was granted by Benedict XIV on the 4th of November, 1741, for the united provinces of Belgium and Holland? On Thursday, the 23rd of November, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned doubts were proposed, and after the vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers gave the following responses: To I. It is decreed that the decree of the Council of Trent should be considered as promulgated throughout the diocese of Costa Rica; therefore, it is not necessary to promulgate the same decree in the new parish of Portus de Limon. To II. The provision in the preceding section; namely, No. To III. Affirmative; and let

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the Decree of the Sacred Office of 20th November, 1876, be given. To IV. Publication is not necessary. To V. No. On Friday, the 25th of the same month and year, during the customary audience granted by the Reverend Father, Assessor of the Sacred Office, after a report on all of these matters was made to the Most Holy Lord Pope Leo XIII, the Most Holy resolution of the Fathers was approved. I. CAN. MANCINI, Notary of the Sacred Roman and Universal Inquisition. Regarding the supplementary oath for the freedom of status of those who are not truly vagrants, they cannot otherwise prove their own freedom. Most Blessed Father, the Bishop N. N. often encounters difficulties in completing the proof of the state of freedom for marriage, because it happens that some, without being vagrants, nor soldiers, are absent.

[*Latin ed. p. 408*]

408 FROM THE SACRED CONGREGATION OF THE INQUISITION from their countries, nor can they obtain the corresponding certificate of freedom for that period of absence. And therefore, he implores the faculty to admit even these individuals to the supplementary oath, as is done with military personnel. He requests this faculty also in cases in which the certificate of Confirmation received cannot be obtained. Etc. Thursday, November 30, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned requests were presented, and with the vote of the Most Reverend Consultors preceding, the same Most Eminent and Reverend Fathers ordered that the following be written: Regarding the document of freedom, the Instruction in Adrian, dated February 1, 1865, should be transmitted. – Regarding the document of Confirmation, the Bishop should exercise his own right. On Friday, December 2 of the same year, during the usual audience granted by the Most Reverend Father Assessor, after all of this had been reported to the Most Holy Father Leo XIII, Divine Providence, Pope, the aforementioned resolution of the Fathers was approved. I, Mancini, Notary of the Sacred Roman and Universal Inquisition. The Instruction in Adrian, dated February 1, 1865, is as follows: I. Is the Bishop obligated to ascertain the freedom of the spouses who are contracting marriage in his diocese before the publications, through the process of witnesses, even though they have always resided in the same diocese? Answer: Generally speaking, affirmatively. II. What greater breadth of meaning can be given to the denomination of "vagants," and is it permissible for the Bishop to admit to the oath, in place of the testimonies of the courts and the process of witnesses for marriages to be celebrated in his own diocese, those persons who, not truly being vagants, are nevertheless in several different places, and declare that they cannot provide witnesses to the courts for the proofs of their freedom of state; and in general, can they be treated as vagants in so far as the requested

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testimonies cannot be obtained?

[*Latin ed. p. 409*]

I. Whether, granting freedom, they may be admitted to an oath concerning those places from which testimonies cannot be obtained? Answer: Affirmative, during the dispensation for admitting to a suppletory oath, and with all clauses contained in said dispensation observed, and provided that they remain in each place of residence for no more than one year.

II. Whether the testimony of freedom of state must always be given, not only through the examination of witnesses, but also through publications? Answer: Speaking generally, affirmative, when the residence of the contracting parties has not been continuous for several years in the place where the marriage is contracted.

III. If the contracting parties are itinerant, is it necessary to proceed to the license to marry, unless they provide, by the faith of their Ordinaries, that they are free, etc., and does this remain without effect due to the faculty that the Holy See grants for admitting itinerant persons and soldiers to a suppletory oath, and if, for either of them, beyond the suppletory oath, publications are required in the places where they traveled or served in the military? Answer: The dispensation for admitting to a suppletory oath should be granted especially when the freedom of state cannot otherwise be legitimately proven.

IV. If, when witnesses are lacking, or when those present are deficient in knowledge of the persons, so that they are not able to answer the questions prescribed by the aforementioned decree, and in particular those expressed in items 9 and 13, as commonly happens, can the Bishop permit the marriage, contenting himself with the publications in those places where they can be carried out, and in the absence of these, either total or partial, can the suppletory oath be admitted, and can this be considered as total proof of freedom, or as partial proof with regard to the countries where publications cannot be made, nor the examination of witnesses? Answer: It is necessary to observe the instruction of the Most Holy Clement X, dated August 21, 1670, in the fifth week, with the annexed declarations given on February 24, 1847, and it is to be urged that the parish priests diligently inquire from the contracting parties about witnesses worthy of faith in the respective places to be examined. However, if this can be very difficult to do, witnesses may be admitted in the court of the place where the marriage is contracted.

[*Latin ed. p. 410*]

410 FROM THE HOLY SACRED CONGREGATION: Those who are deemed worthy of faith, who diligently prove their freedom of state during the period of investigation; and if it seems opportune to the Ordinary, even a supplementary oath of betrothal may be admitted, but it must nevertheless be considered that the person is worthy of faith. In

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particular and more difficult cases, the Reverend Diocesan Bishop should appeal to the Holy Congregation. But if the marriage is so urgent that there is no time for an appeal, the Bishop should ensure that diligent proofs of freedom of state are gathered, as he judges expedient, otherwise. Rome, on January 11, 1865. FROM THE HOLY CONGREGATION. OF THE RITE OF BRESIA. CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, MARY MAGDALENE MARTINENGO A BARCO, A CAPUCHIN NUN PROFESSED IN THE ASCETIC MONASTERY OF SAINT MARY OF THE SNOWS IN BRESIA. REGARDING THE QUESTION: Whether, with the approval already granted, it is possible to proceed to the solemn investigation of two miracles necessary for the Beatification of the Venerable Servant of God? It has always been a glorious thing for the Church that the faithful of every age and condition should not only be able to contain themselves within the bounds of common duties, but also to dedicate themselves to the most arduous and difficult dispositions. This, among other things, is demonstrated by the immense number of women, who, especially in the early times of the Christian republic, adhering to the footsteps of the Heavenly Bridegroom, feared no kind of suffering, no bitterness of death. These things are indeed great and stir up the soul, and although they are placed in an open and illustrious place, they do not have less admiration; the praise of a virtuous life, constantly and steadfastly acted out through arduous endeavors, is always worthy of consideration. In this category of praise, the cohorts of virgins shine forth most brightly, who, having set aside earthly things, and with contempt for allurements and delights, have dedicated themselves entirely to God. These, hidden in Christ, living a solitary life, poor, abstaining from all things, and strong beyond what is credible against the weakness of nature, have anticipated the marriage of the Heavenly Lamb, receiving from Him Himself immortal rewards.

[*Latin ed. p. 411*]

From the Sacred Rituals, 411: Among these, a Virgin of outstanding virtue, Magdalena Martinengo, of noble lineage, was born in the town of Borgo, in the territory of Brescia, in the year 1687. Even from her tender years, with a contempt for the vanities of the world, and neglecting the comforts of family life, she sought Christ among the cloistered nuns, and in this dwelling she provided an example of all virtues. She was most steadfast in the discipline of her Institute, and her divine love burned with the greatest fervor, and she did not shrink from any labor, nor did she disdain the most humble tasks. She patiently endured long illnesses, and even more grievous sufferings, so that the path to the summit of all virtues might be made easier for her; until, with merits accumulated and adorned with divine gifts, she passed away most holily on the eve of August in the year 1737. Her fame for sanctity did not diminish after her death, but rather

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increased more and more. Therefore, it was begun to be considered for the cause of Beatification, and, after all that must be presented according to the decrees of the Supreme Pontiffs, two miracles were proposed, which were approved by the authority of the Supreme Pontiff. Therefore, after a judgment had been rendered concerning her virtues and the two miracles, it was asked whether the honors of the Blessed could be conferred, so that, after the miracles had been confirmed, the solemn Beatification of Mary Magdalene could proceed. This was done by the Most Reverend Cardinal Caietan Aloisi Masella, Relator in the cause, at a general meeting convened by the Most Holy Lord, our Pope Leo XIII, on the third of December of the previous year, at the Vatican. All those present, both the Most Reverend Cardinals and the Consultors of this Sacred Congregation, gave their individual votes. His Holiness, considering the gravity of the matter, decided to postpone his decree to another time. But today, on the Sunday of the seventh week, the Most Holy Lord, having operated with the greatest wisdom in this sacred matter, entered this hall of the Vatican Basilica, and ordered the Most Reverend Cardinals to be summoned, namely Camillo Mazzella, Bishop of Preneste, Prefect of the Congregation of Sacred Rituals, and Caietan Aloisi Masella, the Relator of the cause, together with the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and myself, the undersigned Secretary, and, in their presence, he solemnly pronounced: That the solemn Beatification of the Venerable Servant of God, Mary Magdalene Martinengo of Borgo, can proceed. This decree was published, and in the Sacred Congregation of...

[*Latin ed. p. 412*]

412 From the acts of the Congregation of Sacred Rites, it is reported that Apostolic Letters, in the form of a Brief, were ordered to be issued on the fourth day before the Kalends of February in the year 1899, concerning the solemnities of Beatification to be celebrated in the Patriarchal Basilica of the Vatican. The Most Reverend Bishop of Palestrina, Prefect of the Sacred Rites. CAMILLUS CARDINAL MAZZELLA, L.; DIOMDES PANICI, Secretary of the Sacred Rites. DECREE concerning semi-public chapels. The Sacred Congregation of Rites has often inquired about what constitutes a semi-public chapel. Furthermore, it is established that a public chapel is one which, by the authority of the Ordinary, is perpetually dedicated to the public worship of God, blessed, or even solemnly consecrated, and which has an entrance on a street or a public way, allowing access to all the faithful. Private chapels, on the other hand, are strictly those which are erected in private dwellings, for the convenience of a particular person or family, by Indult of the Holy See. Those which occupy an intermediate position, as their very name indicates, are called semi-public chapels. In order that any ambiguity concerning these chapels may be removed, Our Most Holy Lord Pope Leo XIII, after consulting with the Congregation of Sacred Rites,

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has decreed and declared: Semi-public chapels are those which, although erected in a place which is in some way private, or not absolutely public, by the authority of the Ordinary, nevertheless serve not only the faithful in general, nor only a private person or family, but also a certain community or group of persons. In these, all who attend the holy Sacrifice of the Mass fulfill the precept of hearing the Word. This type of chapel includes those belonging to seminaries and ecclesiastical colleges; to pious institutions and societies of simple vows; to other communities under rules or statutes at least approved by the Ordinary; to houses dedicated to spiritual exercises; to convents and hostels intended for the instruction of youth in letters, sciences, or arts; to hospitals, orphanages, and also to prisons and barracks; and similar chapels, in which a certain group of Christians habitually gathers to hear Mass. To these should be added chapels, properly erected in cemeteries, provided that, in the celebration of Mass, they are not intended only for those who are there.

[*Latin ed. p. 413*]

From the Sacred Congregation of Rites, 413, concerning those to whom it pertains, but also to other faithful, access shall be open. His Holiness also willed that the sacred and venerable rights and privileges of chapels be preserved, by which Eminents Cardinals, Reverent Sacred Ministers, and Regular Orders and Congregations enjoy. And furthermore, He deigned to confirm the Decree of the aforementioned date, the 8th of March, 1879 (1). Notwithstanding any contrary opinions. On the 23rd of January, 1899. C. CARD. MAZZELLA, Prefect of the Sacred Congregation. S. R. C. Rmus D. PANICI, Secretary. S. R. C. The Most Reverend Stephen Anthony Lelong, Bishop of Nivernes, having presented certain doubts to the Sacred Congregation of Rites concerning the license to celebrate Masses in public chapels, etc., humbly requested a declaration and resolution, namely:

I. Can the Bishop, by ordinary right, grant permission to celebrate even several Masses each day in chapels or public oratories of pious communities, even those which do not have a closed enclosure?

2. In chapels or oratories of pious communities, which, although they do not have an entrance onto a public road, nevertheless serve the daily exercises of the entire community?

3. In chapels or oratories which belong to private individuals, but which are public or semi-public in the sense that they have an entrance onto a public road or are near a public road, so that access is always permitted to anyone who wishes to enter?

II. Can the Bishop erect another chapel, besides the chapel or principal oratory, in pious communities, either because of the number of priests residing there so that Mass can be said by all, or for the benefit of the sick who are unable to attend the chapel or principal oratory?

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III. Can the Bishop, by his own right, grant the faculty to reserve the Most Holy Sacrament in churches or public chapels which, although they do not have the title of a parish, nevertheless serve the needs of the parish?

2. In public chapels of pious communities, that is, those whose door is open onto a public road or onto an area connected to a public road, and which are open to all inhabitants?

3. In chapels or oratories located within pious communities?

[*Latin ed. p. 414*]

414. From the Sacred Congregation of Rites, it is asked: When Chaplains or Oratories do not have a public chapel in the aforementioned sense, as happens, for example, in Seminaries.

I. Can the Bishop, by his own right, grant permission to a Priest to celebrate a second Mass on Sundays or holy days of precept in Oratories or chapels that have been approved by the Holy See or by a grant conceded by it, when, due to the distance from the parish church, this second Mass can benefit the parishioners, who would otherwise not hear Mass, or at least with great difficulty; 2° when there are two churches in the same parish, and only one Priest is present to serve both, and yet a Mass would not be celebrated in either, to the detriment of religion; 3° in the same church, when otherwise a notable part of the parishioners would not hear Mass; 4° when it is very useful, and indeed necessary, that this second Mass can allow the faithful to receive Holy Communion more frequently and with greater edification?

Therefore, the Sacred Congregation of Rites, after consideration by the undersigned Secretary, responded as follows to these questions:

To I: The Bishop may use his right in all the cases mentioned.

To II: If, furthermore, it is a necessary condition due to the circumstances of the pious community to erect another Oratory, permission for its erection must be obtained from the Holy See.

To III: An Indult must be requested from the Holy See regarding all the aforementioned requirements.

To IV: Assuming that the Bishop has already obtained permission from the Holy See to grant his priests the Indult to celebrate the sacred liturgy twice on a feast day, it will be up to his prudence to use this special faculty in cases of necessity for the good of the people; and if he is not endowed with such a faculty, he can obtain it. And thus it responded and declared.

March 8, 1879.

Thus it is found in the Acts and Records of the Sacred Congregation.

January 23, 1899.

D. PANICI, Secretary of the Sacred Congregation.

LUCANA; a doubt regarding the clause placed in the faculty granted to

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the Canons of the Cathedral of Lucana.

From the Indult of the Apostolic See, confirmed by the Bull of Pope Benedict XIII, on the 15th of the Calends of March in the year 1725, Rifio Ca-

[*Latin ed. p. 415*]

From Chapter 415 of the Sacred Rites, the Cathedral Church of Lucania was granted the faculty to celebrate Mass and Vespers in the Pontifical manner, under the following clause and condition: "as often as they attend, either in procession, or with the Chapter, or to certain churches of the Lucanian state, during the solemnities of those churches themselves, according to custom." Hence, the Sacred Congregation of Rites inquired: Whether such a faculty should be extended to the aforementioned functions in the Pontifical manner, even in the absence of the Chapter, according to the most ancient custom? And the same Sacred Congregation, after considering the matter with the undersigned Secretary, and after the careful opinion of the Liturgical Commission, having considered all things, decided to respond: "Let the decree *Ex Romanorum Pontificum indulgentia*, dated August 27, 1822, and the Constitution *Saepienter meae*, of Pope Pius VII, dated July 4th, in the year 1823, be observed. And thus it responded on January 27, 1899. C. CARD. MAZZELLA, S.R.C., Prefect. L. S. S. DIOMEDES PANICI, S.R.C., Secretary.

A QUESTION regarding the playing of the organ when the Preface or the Lord's Prayer is sung. The question proposed: Whether, when the Mass is sung, the organ may be played during the singing of the Preface and the Lord's Prayer? The Sacred Congregation of Rites, after considering the matter with the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, decided to respond: "The *Caeremoniale Episcoporum*, book 1, chapter 28, number 9, must be observed, which prohibits it." And thus it responded on January 27, 1899. C. CARD. MAZZELLA, S.R.C., Prefect. L. S. S. DIOMEDES PANICI, S.R.C., Secretary.

AGINNEN. A request is made for the faculty to transfer the blessing of candles to the following Sunday. The Right Reverend Bishop of Aginnensis humbly presented to the Sacred Congregation of Rites that in his diocese, especially in the rural areas, the inhabitants find it difficult to attend church on February 11th, due to the feast of the Purification.

[*Latin ed. p. 416*]

416 FROM THE SACRED CONGREGATION OF RITES: Therefore, it was requested that in the same Diocese, the solemn Feast of the Candles, which is celebrated according to the Rite on February 2nd, be transferred to the following Sunday. Furthermore, the Sacred Congregation of Rites, with reference to the undersigned Secretary, and also considering the expressed opinion of the Liturgical Commission, decided to respond as follows: "The

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Decree in question must be observed in its entirety. February 7, 1874" (1). And so it responded. January 27, 1899.

CAMILLUS CARD. MAZZELLA, Prefect of the Sacred Congregation of Rites.

L. * S. DIOMEDES PANICI, Secretary.

MARIANOPOLITANA: Various Doubts.

The Most Reverend Paul Bruchesi, Archbishop of Marianopolitan, humbly submitted the following doubts to the Sacred Congregation of Rites for appropriate resolution:

I. Whether the prayers which are said kneeling at all hours on weekdays of penance, should also be added at the end of Matins, when it is separated from the Psalms of Lauds?

II. Whether the antiphons "Noli Reminiscoris" and "Trium Puerorum," which are recited privately by the Priest before and after Mass, should be doubled or not, according to the rite of the Mass which he celebrates?

III. Does a cleric who is constituted in the sacred orders, and who joins the clergy either spontaneously or by invitation, fulfill his obligation by singing or reciting an office different from that of the cleric himself?

And the same Sacred Congregation, with reference to the undersigned Secretary, and also having heard the opinion of the Liturgical Commission, after mature deliberation, decided to respond as follows:

To I: Negatively.

To II: At will, in the case in question, according to the rite of the office or Mass.

To III: Negatively, unless there is a special privilege.

And so it responded. January 27, 1899.

C. CARD. MAZZELLA, Prefect of the Sacred Congregation of Rites.

L. * S. DIOMEDES PANICI, Secretary.

(i) You have Volume XII, page 469.

[*Latin ed. p. 417*]

417 ANDEGAVEN. Concerning the beatification and canonization of the Servant of God, Joan Delanoue, foundress of the religious congregation of the Sisters of Saint Anne (I). CHAPTER I. Summary of the life of the Servant of God. Joan Delanoue was born in Salmur, in France, on the 18th of June, in the year of Our Lord 1666, of pious and honorable parents. Her father was named Peter, and he engaged in commerce. He had married a woman of exceptional charity, named Françoise Bureau; from this marriage, they had twelve children, the youngest of whom was Joan, about whom we are writing. From her earliest years, it became evident that she was guided by a singular providence of God. For, when a full tub of lye accidentally fell upon the infant, the nurse, distraught, who already lamented

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Joan as if she were dead, found her quite unharmed; which caused her great astonishment. When Joan began to use her reason, she immediately began to revere the infinite majesty of God and to detest sin from the depths of her soul. The fear of offending the Divine Majesty constantly kept her anxious and concerned; and therefore, when she believed herself to have committed serious faults on many occasions, she sought to appease God, even then exercising her little body with pains and discomforts. To this, she added constant prayer to God; she delighted in spending time in the sacred buildings; and she frequently availed herself of the cleansing of sacramental penance. In her studies and exercises, she excelled due to the nature of her intellect, easily surpassing her classmates; yet, she was no less dear to them because of her humanity and kindness. However, if she perceived that they had done something wrongly or dishonestly, she rebuked them more sharply than it seemed appropriate, so that they might regret their actions. Thus, it seemed that she was moved not so much by the detestation of their wickedness, as by a certain desire to dominate. Moreover, it is less commendable that, if she detected any vice in her own mother, she did not hesitate to reproach her mother, behaving more like a licentious child than a dutiful daughter. Therefore, by the merciful judgment of God, she was subjected for a long time to very strong waves of temptation, especially against chastity. For, although she detested nothing more than these impure temptations, and although she never yielded to them, she was nevertheless greatly agitated by them. The decree for the introduction of the cause has already been mentioned, Vol. XXXI, 380. Acts, Vol. XXXI, page 367.

[*Latin ed. p. 418*]

418. Over the course of years, during which she had thus lived, she never strayed from the love and study of heavenly things; yet, in order to emerge victorious from this kind of struggle, she certainly had to first acknowledge her weakness and humbly implore divine help; therefore, it was necessary for her to gradually suppress that stubbornness and elation of spirit, to which nature lent some indulgence. To the anxieties of temptation were added the torments of a troubled conscience, which miserably afflicted her. In order to seek the light of counsel amidst the darkness that enveloped her mind, she had become accustomed to seeking refuge with confessors; but from that very place where she rightfully hoped for solace, she returned no more tranquil. For, when she went to the Oratory with her mother, she had chosen a particular confessor from among its members, and she dared not go to anyone else, lest she displease her mother. But the Oratory of Salmur, at that time, was permeated with the poison of Jansenism, and could therefore be of little use to the faithful in recovering the peace of mind they sought. Meanwhile, her mother died. She herself, who could now, at her own discretion, demand a life free from such burdens (for her

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father had died long ago), desired nothing more than to enjoy a tranquil conscience, and, having left the members of the Oratory, she turned to a priest of very virtuous character, named Grenet, and begged him to undertake the direction of her soul. He agreed, but only on the condition that Joanna, as she was accustomed to do, would not engage in commerce on feast days. This was indeed a very distressing condition: for, while the common people spent the rest of the time engaged in agriculture or crafts, the town was more crowded on Sundays and feast days, and they hoped for greater profits; it was also customary for even honest people to conduct business on those days. Nevertheless, the handmaid of God readily obeyed the priest; she preferred to endure a small loss to the family affairs, rather than to present any obstacle to divine grace. Then, having confessed her sins, she received permission to abstain from food three days a week, and to undertake other voluntary acts of penance. Following the instructions and commands of her new confessor with piety, she soon found that the storms in her soul had subsided, and that her anxieties of conscience, after a long struggle, were beginning to find rest. But this kind of peace soon gave way to a new kind of struggle, and Joanna was tested by new temptations: thus, with God's permission, she was cleansed of her faults and clothed in the admirable brilliance of holiness. For, besides the desire for empty glory, which we have mentioned, it was natural in her, that is, in the Lady, a certain inclination towards thrift, which was not far from avarice.

[*Latin ed. p. 419*]

FROM the Sacred Ritual, 419, it seemed that avarice was distancing itself. By this means, a greater demon attempted to tempt her, so that, either by increased greed for money, or by the fear of poverty, she might be restricted in the performance of the duties of Christian mercy. And it is not to be denied that, to some extent, this succeeded according to the judgment of the confessor. Especially since, after her mother's death, Joanna began to live with her niece, and by herself she maintained a dwelling, spending more than was proper and neglecting the comfort of the poor; so that in the year 1693, when the famine at *Summa* afflicted *La Charite*, she only bought bread sufficient for each day, no more; and she did this with the intention, so that, without lying, she might be able to send away those who, if any, asked for help, empty-handed. But not long afterwards (as Maria L'Aigle, who was one of the first members of the Ladies of the Sacred Heart, relates), the ardor of charity replaced the extinguished fire of avarice, and a marvelous conversion of life occurred in Joanna. At the time we mentioned, a certain poor widow from *Rennes (-Dol-Saint-Malo)*, named Francisca Souchet, came to Salmur on the Feast of the Epiphany, as she was accustomed to do for reasons of piety, to venerate the highly revered image of the Blessed Virgin. This woman, who, being poor and in need, could not obtain lodging at Joanna's, but when she returned after the Feast of Pentecost, and

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was requested by the Ladies of the Sacred Heart, was finally received. This was an act of hospitality beneficial to the guest. For as the pious widow was full of the Spirit of God and eager to promote holiness, as soon as she perceived that Joanna was clinging more tenaciously to worldly things, she began, clearly by divine impulse, to instill in her contempt for the world, and love for poverty and charity, by exhortation and counsel. Inflamed by her words, Joanna immediately changed her way of life, and she who had previously been held back by excessive fear of poverty from doing good to the needy, now, in the maternal embrace of divine providence, became a splendid example of generosity and mercy, having abandoned all her own concerns. Therefore, having relinquished the management of the shop for her niece, she offered herself to the afflicted, providing them with every kind of comfort; and she was so generous with her own possessions that, to a certain person who requested help in the name of Christ, from whom she knew that poverty was feigned, she did not deny assistance. Prompted by the warning of the saintly widow, and having learned that certain families in the suburban area of Saint Florent were completely destitute of help, and would soon perish from hunger if they were not assisted, she went to their aid with great courage and joy. For three months, she went there daily, covering the naked with her own clothes, abundantly refreshing the hungry, and she herself washed their linen, even though it was so filthy that it swarmed with worms; in every way, she showed the utmost mercy.

[*Latin ed. p. 420*]

4-20 By the observance of these rites, she was aided. After Francisca, having encouraged those already striving for the path of virtue, and having said that she had received a divine mandate to assist the poor, and that she would be known as "the mother of the poor," departed. The following day, Joanna, transported beyond herself, remained in a marvelous state for three days. She afterwards declared that in that vision, she had clearly seen the kind of life to which she was divinely called, the Congregation she was to found, the first members of the Institute, and other things pertaining to this matter. How much encouragement this heavenly vision gave to the handmaid of God to pursue her holy purpose. Indeed, in order to become more diligent and prompt in relieving the misfortunes of her neighbors, she set out on foot to Caesarodunum with certain pious women; during this journey, by distributing the money she had with her to the poor, she herself, living frugally, repeatedly experienced how bitter is the rejection of a requested alms or lodging. After these things, her house began to be frequented more and more by the needy, to whom she had never failed to show kindness since the beginning of her holy life. But the handmaid of God was not content with this; she sought out others to whom she could provide assistance. It is scarcely necessary to say that the domestic resources of Joanna were insufficient for such extensive charity,

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and therefore she diligently sought help for the poor, borrowed money, and most of all, trusted in the provident God. But God, pleased with the work and the hope of his handmaid, not infrequently showed his favor, either by multiplying the money in her hands, or by assisting her in some other way beyond human expectation. Meanwhile, the handmaid of God suffered some annoyance, first from her nepte, who could not bear her great generosity, seeing the family affairs dwindling daily; and then from some of her fellow citizens, who, although they possessed more wealth, could not tolerate being surpassed by her in assisting the needy. But no complaints or calumnies were able to move her from her purpose: she finally converted her nepte to her endeavors; and she captivated others, by constantly undertaking new works of charity, and drawing them into admiration. For when she returned from her journey to Caesarodunum, she took in a young girl, afflicted by extreme poverty and abandoned by her own, and began to educate her in her own home. This was the beginning of the Institute of the Providence, which, according to the prediction of the pious Francisca, the handmaid of God was to found. In the year 1702, the number of pupils received to be cared for reached twelve. At this time, the patience and fortitude of S. D. were wonderfully manifested. For when a large stone, which had been a nuisance to the house-

[*Latin ed. p. 421*]

From the Sacred Rituals, 421, a sudden misfortune occurred: a roof collapsed, crushing one of the two young girls; the others were spared. Those who envied the charity of Anne rejoiced at this disaster and congratulated themselves. But she, revering the highest counsel of God, was not deterred from her purpose. She humbly approached the members of the Oratory and implored them to grant her a portion of their building, so that she might bring the surviving orphans there to live. At first, they received the handmaid of God with disdain, and only after much persuasion did they finally grant her the space, at a very high price. Then she foretold that those who were now forced to live in cramped quarters would eventually inhabit the finest rooms in the building. This proved to be true five years later, when, with the help of a generous and pious matron, a more suitable dwelling was found for the handmaid of God and her guests. As the number of the poor increased daily (for the handmaid of God welcomed all, regardless of how great their need), she gradually moved to other buildings, until, through the miraculous goodness of God, she established a house that could accommodate her six hundred poor. Thus, what the officials of the municipality of Calmuri had intended to do but were unable to accomplish, was achieved by the charity of a poor woman, so that the hospital house would provide assistance to many of every kind of needy person in Salmuri. Truly, such a great work could not have been accomplished by the handmaid of God alone, even with the help of Nafta. Therefore, inspired

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by God, many young women approached her, asking to be admitted to share in the work. The handmaid of God gladly welcomed them, rejoicing that this was happening, as Francisca Souchet had foretold. This occurred in the year 1704; and with these helpers, she established certain rules of religious life and a common habit, and the new Congregation received its name. But as the number of the poor grew, both in the hospital and among those to whom she extended her charity, more and more generous women joined her, offering their assistance. However, they did not take their first vows until the year 1709, and the following year they received a rule, confirmed by the authority of the Bishop of Angers. The handmaid of God presented this rule to her sisters; it was indeed a strict rule, but wonderfully suited to the practice of charity, to the contempt of the world, and to the fostering of penance of the heart rather than of the body. She herself, however, observed it with even greater severity. She forbade herself a bed; she snatched a brief sleep on a hard bench, and did not remove her clothes; she often continued in fasting for several days, and took only a very meager meal once a day. Furthermore, she eagerly seized upon...

[*Latin ed. p. 422*]

422 From the Sacred Ritual: An opportunity to resist the desires of nature and to humble oneself; therefore, she seemed to rejoice greatly when she bore some adversity from men. When her Sisters first appeared in religious habit, those who envied her sanctity mocked and reproached her; some condemned the boldness of the garments, while others accused the Handmaid of God of arrogance for having dared to establish a religious community. Indeed, there were even those who wrote impudent letters to D. S. This, in particular, caused her great concern, because when she sought counsel from her Confessor regarding doubtful matters pertaining to the nature of her life or to her institutions, he never enlightened her with any counsel; but when he saw that something undertaken by D. S. had not gone as well as he thought, he was quick to accuse her of rashness. Thus, D. S. was greatly tormented in spirit, although she always implored the Father of lights for suitable consolation. And not in vain; for, besides the divine illuminations that were suddenly sent into her mind, Francisca Souchet was always present, dispelling the darkness and showing her the path to follow; and also, the recently canonized Ludovicus Grignon, after carefully considering the matter, highly approved of the manner of life adopted by D. S., her institutions, and the rule prescribed to the Sisters, affirming that it pleased God. Thus, the hospice was enlarged by the daily assistance of divine providence, and at the same time, the number of Sisters increased, who cared for the poor and the sick; and the works of these Sisters were no longer confined to the boundaries of Salmurii, but more and more people around the cities asked D. S. if she would send her Sisters to care for the poor there as well. Indeed, while D. S. lived, the Congregation

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of the Sisters of Providence spread widely and obtained nine houses. But much more, after the death of the excellent Foundress, it spread; so that today it numbers more than a hundred houses, and about six hundred Sisters; and it has not been interrupted by any changes of times, nor even at the end of the last century, when such great turmoil occurred in Gallus. In the seventieth year of her age, D. F., joined to these outstanding works of charity, was also adorned with many and marvelous gifts of the Spirit of God, and she died a precious death in the Lord on August 17, 1736, with the most widespread reputation for sanctity. Furthermore, her virtues, which, although we can infer their greatness from these few examples, and other signs of her sanctity, will be more fully described in the following articles, as is customary.

[*Latin ed. p. 423*]

423 FROM THE SACRED RITUAL, CHAPTER n. On the three kinds of virtues. Among those things which we have said hitherto concerning the life and morals of the Saint, and which we shall say in their proper places, two virtues seem to stand out, as if they were certain marks and characteristics of her, namely, extraordinary charity towards her neighbor and an incredible zeal for penance. Saint John Chrysostom (Rev. Dominus Macè, in the book which he wrote about the Saint) compared her with Saint Vincent de Paul because of her charity, and with Saint Peter of Alcantara because of her penances. "I dare to say" (he writes), "that, according to my conviction, the Servant of God Jeanne Delanoue can, with all justice, be compared to Saint Vincent de Paul for her charity, and to Saint Peter of Alcantara for her penance." Furthermore, since among Christian virtues there is a connection and necessity, so that one cannot exist in any soul without the company of the others; therefore, along with these two virtues in the Servant of God, other virtues, both theological and moral, must also be mentioned. Truly, living only by faith, having renounced all created things with the greatest hope, she always looked to God, whose charity she embraced so zealously, so that she might do good to her neighbors; and certainly, throughout her entire life, no one better fulfilled the commandment of Ecclesiasticus: "Fear the Lord, and trust in him; love him, and keep his ways." Moreover, she excelled in prudence, governing herself and her institutions rightly, according to God; and in justice, satisfying everyone perfectly according to the laws, never violating the rights of anyone; and, besides temperance, in which she shone as an example, as has been said, in fortitude, never yielding to any troubles or difficulties, nor failing in her holy purpose. But the order of the subject requires that we explain each thing more fully.

CHAPTER III. On Faith. Since faith is the first and the beginning of all justification, and since no one can please God without it, faith was the fundamental rock upon which the life of the Handmaid of God was entirely

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based," and therefore, Jeanne Delanoue lived primarily by faith." "Faith 11.

[*Latin ed. p. 424*]

424 FROM THE SACRED RITUAL, indeed, not only did it illuminate the understanding, but it also inflamed the will, not only with pure, sound, and integral faith, but also with a living, ardent, and active faith. We have seen above that the Most Reverend Lady, from her early youth, was accustomed to doing those things that pertain to the divine and supernatural. Nourished piously and diligently in the precepts of the Catholic Religion at home, she began early to delight in prayer, mortification, attending the divine offices, especially Mass, receiving the Sacraments, and in all things employing the aids to sanctification that the Lord Jesus Christ commended to His Church. Therefore, the faith in Saint Joan was, so to speak, so natural that she was never troubled in spirit concerning the truths of faith. However, after she turned to a more perfect way of life through the remarkable grace of God, then certainly the habits of faith that she had received through baptismal regeneration were wonderfully increased in her life, in her words, and in her works. The Most Reverend Lady abundantly spread the splendid splendor of evangelical perfection. Afterwards, she directed all of her life according to supernatural truths, according to the counsels and precepts of the Gospel, as if to a most important norm; this was the principle and source of her charity, mortification, humility, and fortitude, which are known to have been exercised by her with heroic virtue. To preserve and increase the cause of faith within herself, she diligently cultivated simplicity of heart and humility. When she knew that some doctrine was held by the common faith of Christians and was proposed by the Church, this was enough for her to adhere to it most firmly. In this matter, nothing displeased her more than the insolent curiosity of some who do not conform to the teaching of the Church or to its precepts unless they have understood the causes for believing or doing each thing. For the way of private inquiry and reasoning seemed dangerous to the Handmaid of God, especially for women, compared to the humble submission to the voice of legitimate pastors. To make more and more progress in the knowledge of sacred things, she eagerly devoted herself to pious reading. She especially delighted in the New Testament and the Imitation of Christ, from which she drew the uncorrupted sap of doctrine, carefully avoiding any books of dubious authority that might cause a weakening of faith. She read, not lightly or superficially, but with a very attentive and thoughtful mind, not in order to acquire theological expertise, but in order to take it as a rule for living well and holily. She diligently sought to learn all the truths of the Gospel, so that she might convert them, as it were, into nourishment and blood for herself, and direct her life by them; not so that she might

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understand them or...

[*Latin ed. p. 425*]

From the Sacred Ritual, 425, certain individuals might raise doubts concerning the perfect obedience that we should render. However, the entire course of her life clearly demonstrates that the Servant of God always employed the light of faith and that heavenly wisdom, which the Father so generously imparts to the humble and the little ones, while denying it to the prudent who trust in themselves. But the faith of the Servant of God was not merely simple, like that of a child, but mature, like that of a man, demonstrating the intimate conviction of her mind; and furthermore, the Servant of God proved herself not merely a Christian, but a strong soldier of Christ, preserving the deposit of the faith, carefully guarded and protected from the most fierce attacks. For, against the Janseniuses, who at that time, as we have said, were causing great disturbances in France, she defended with incredible skill the purity of her faith, with no less vigilance. "A certain priest, striving with all his might to obtain a position as spiritual director of the Sisters in the House of Providence, and therefore promising the Servant of God his services in all things, and even declaring that he wished to bequeath all his possessions to that house in which he would spend the remainder of his life, was constantly opposed by the Servant of God, because she recognized him as infected with the Jansenist disease. Indeed, the Servant of God testified that she could not even bear to look at such a man; she abhorred such individuals with a certain secret instinct." — Nor could she be persuaded to believe that certain religious women of Salmur, who followed the Jansenist interpretations, truly enjoyed the peace of heart. — "When, in the presence of the Servant of God, a conversation arose among some clergy concerning religion, one of them said that he did not differ from either the Jansenists or the Catholics, that he behaved in a manner pleasing to all, as long as he lived peacefully. Hearing this, the Servant of God, out of reverence for the sacred character, did not dare to speak out, but clearly indicated with her expression the great distress that those words had caused her, and she brought it about that he began to speak more correctly and professed that he wished to adhere to the definitions of the Church without dispute, in all obedience." — However, in another priest, the suspicion of Jansenist leanings was confirmed. Although, as was his appearance, he was composed in piety, nothing was hidden under that appearance of deceit; indeed, influenced by the authority of the Bishop of Angers, he was permitted to care for the spiritual well-being of a certain Sister. But after he had received him, and it was discovered that he was unwilling to obey the Pontifical Constitution *Unigenitus*, nor to subscribe to the formula that was presented, she immediately recognized him as a heretic and expelled him. — "Furthermore, another priest, suspected of doubtful faith, had adorned the House of Providence with valuable gifts

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for the use of the sanctuary. This was received by Sister Delanoue, because she did not consider from where the gifts came, as long as they were given legitimately."

[*Latin ed. p. 426*]

426 From the Sacred Council of Trent, and for the glory of God and the benefit of the poor, these things were undertaken. But those who, as if for a reward, sought to persuade the Handmaid of God to their opinion, found her, whenever they attempted this, to be vehemently opposed; so that finally she said that, since neither a priest nor a sister could persuade the other to change their opinion, it would be better to add no more words on such matters. Furthermore, the Jansenists repeatedly sought to undermine her constancy in the Catholic faith, through threats, accusations, and promises. But the Handmaid of God, although her circumstances were such that she needed the help of everyone, preferred to lack the friendship and support of many people, rather than to reject the due obedience of mind to the teaching of the Church. Perhaps no religious family ever was more exposed to the dangers of deception and error than the House of Providence; and yet, in the works of its Superiors, there was none in which the purity of the Catholic faith was more zealously preserved. Therefore, the author of her life rightly offers singular praises to her faith, which she presents as a perfect example. This living faith was excellently demonstrated by the discourses that the Handmaid of God frequently held with the Sisters on matters pertaining to the religious life. The more cleverly the sowers of error persisted, and the closer they were, the more vigilantly did the prudent Mistress keep watch, so that she might thwart the machinations of those who opposed the faith, and further consolidate her Sisters in obedience to the Apostolic See. And what shall we say of the Institute founded by the Most Reverend Lady, which can truly be called a perpetual monument to her admirable faith? For the faith in Him who said: "Be not anxious for your life, what you shall eat, or what you shall drink, or wherewith you shall be clothed. For all these things do the Gentiles seek. For your heavenly Father knoweth that you have need of all these things. But seek you first the kingdom of God, and his justice; and all these things shall be added unto you," – we say, this faith was like the soul of the Institute, and when it was removed, the Institute itself was destroyed. The Witness LXIV rightly says: "She founded the Congregation, just as she founded her life, on faith." And the Witness VII says: "Forsaken by all, often treated with contempt, even opposed by prelates, she clung more closely to Christ God, and cried out to Him: 'Confirm and protect what you have done, O Lord!'" Therefore, until the end of her life, she continued her work, supported only by faith. The purpose of the Most Reverend Lady was to serve Christ in the person of the poor. This formula is still used by the Sisters. Furthermore,

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the greatest sign of faith is the greatest and unceasing...

[*Latin ed. p. 427*]

FROM THE SACRED RITUAL, 427, the prayer, "as the Cardinal de Lauraea says, this also shines forth most splendidly from the faith of the Saint." For constant, fervent, humble prayer was the nourishment of the soul of the Saint, just as food is for the body; and her life was almost nothing but a continuous conversation with Our Lord. We read in the life of the Saint, written by a contemporary: "Joan was always in the active presence of the divine." In doubtful matters, in distress, in undertakings, she fled to God, imploring His help. Truly, we can affirm that the Holy Spirit, her teacher and, as it were, her pedagogue, inspired her, through constant prayer united to her, what she ought to do. Many things, which distinguished her, the cares of the Religious Daughters, the poor to be assisted, were obstacles that prevented her from attending to God; this was the reason why she turned to Him more urgently, imploringly. And she devoted many continuous hours each day in the sacred temple to prayer. This devotion to prayer was matched by a spirit of devotion. Towards the Most Holy Eucharist, which is the mystery of faith in a singular way, she showed a singular piety. She received the Body of Christ daily, frequently and for a long time praying before the Holy Chalice, spreading the love and worship of the Divine Sacrament. She was most devoted to the Most Holy Eucharist, which she was accustomed to receive daily with the greatest fervor of piety. After she had obtained, which she had so fervently desired, to have the Sacrament with her, she spent even part of the night worshipping before It. Concerning the Most Holy Eucharist, she stipulated in the Rule that there should be no time of day when not one or more of the Sisters were present before the Sacrament, praying. While it seemed that she exhausted this divine food to an excessive degree, for those of that age, the faculty of daily Communion was granted to her: but when the Handmaid of God was seriously ill, the Bishop of Angers, relaxing the diocesan statutes, granted her the divine Viaticum three times a week. The patient, for the redemption of men, did not less than with the greatest devotion venerate Christ, hidden as He was under the mystical species; and she diligently inspired the Sisters to do the same. No less fitting proof of her faith is provided by the filial piety with which she constantly followed the Most Blessed Virgin, called by Clement of Alexandria "the scepter of orthodox faith." She invoked Her after Christ as the greatest advocate and intercessor for heavenly graces. Furthermore, the most merciful Mother of God, with marvelous...

[*Latin ed. p. 428*]

428. The Saintly Woman enriched her clientele, to whom she also gave her complete devotion, not just once. Furthermore, she sought to reconcile the patronage of other Saints in Heaven, especially Saint Anne and Saint

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Martin, to whom she offered various forms of service. However, this honor paid to the Saints, as it is certainly an indication of Christian faith, as Saint Lawrence said to Justinian: "He believes in God who believes in his Saints," is often used by the Auditors of the Holy Office to strengthen the faith of the Servants of God. This confirms our conclusion regarding the heavenly gifts of the Saint, especially the gift of contemplation and miracles. Indeed, since these graces, freely given, presuppose and perfect the virtue of faith, it is rightly inferred that the Handmaid of God excelled in the virtue of faith, being abundantly adorned with these heavenly charisms. Therefore, says Witness LXIV, there is no doubt that the Handmaid of God exercised her theological faith to a heroic degree.

CHAPTER IV. On Hope. Given the intimate connection between Christian faith and hope, since the Apostle says that faith is "the substance of things hoped for," and Clement of Alexandria wrote: "The blood of faith is hope, in which it is contained, just as the body is from the soul," we can infer from what has already been said about the faith of the Saint how excellent was her hope. Certainly, this virtue is not far from the truth in what is affirmed about the singular manner in which it guided the life of Joan Delanoue. For, from the time she began to more diligently worship God and the heavenly things, and devoted herself to acts of mercy for the poor, she immediately ceased to strive for worldly and fleeting things, and having abandoned the care of the shop, from which she had previously obtained the necessities for her sustenance, she completely entrusted herself to the providence of God. "As for her actions," says Witness XLVIII, "the heroic hope of the Saint is evident. Just as the holy Francis of Assisi, once, having sent away messengers, wished to possess nothing as his own, desiring only God." And truly, in Joan, it is clearly seen what Saint Bernard asserted: "God, the Almighty, makes those who hope in Him to be," to which we can add Saint Cyprian: "Those who do not distinguish between what is easy and what is difficult, thinking that what is difficult for them is easy for God."

[*Latin ed. p. 429*]

From the Sacred Ritual, 429, it is easily understood, and therefore they trust in the divine omnipotence, goodness, and promise, by which He has promised that all that is asked of Him with certain faith and trust will be granted to us; therefore, they raise their minds and hopes above their weakness, and place them in God, obtaining whatever and however much they ask of Him." And so, with eagerness and joy, as we have seen, she devoted herself to the various works of mercy, and if she fulfilled these so admirably, it is primarily due to the singular and unwavering hope with which she secured divine help. She satisfied the hunger of the wretched and the poor who flocked to her daily, or to whom she herself brought assistance; she clothed the naked, cared for the sick, and in every way

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restored and refreshed them. This and similar things, the Handmaid of God accomplished, although she could not afford such great expenses due to the poverty of her resources, nor could she undertake or complete them without heroic hope in God, nor without the present assistance of God. Moreover, if entrance into a religious community, and even more so, the founding of a religious institute, is always a certain sign of heroic hope, as Benedict XIV openly teaches, and the Sacred Auditors confirm in many cases, then this holds true especially in the case of Joan Delanoue, who founded such an institute, the entire purpose and foundation of which was based on trust in Divine Providence. To make this even more evident, contrary to all rules of human prudence, but certainly by the impulse of the Holy Spirit, the Handmaid of God disregarded everything that people in similar circumstances usually carefully seek and compare, trusting solely in the promises of Christ. She gladly accepted sisters from among the poor and the infirm; she refused perpetual donations for the support of her institute; she was not concerned about the future, but lived only for the day, as she wished her sisters to do. If anyone objected to her, pointing out the great difficulties of such a life, she would reply: "Is not Providence a good enough income for us? We want no other." To these things, as her circumstances became more difficult and her resources for food diminished, the Handmaid of God more earnestly implored divine help, generously distributing whatever money she had on hand for pious purposes. We read in her life: "Often, when she was most in need and burdened by the poverty of others, she would pour out her concerns to God in the chapel of Our Lady of the Heart; there, as if divinely inspired, she would bring the remaining money in her purse to the alms box, exclaiming: 'Lord, I give you a hundred sols.'"

[*Latin ed. p. 430*]

430 FROM St. C. RITUUM, but I believe that you will provide me with one hundred livres, one hundred écus, two hundred écus for your poor. Thus, she departed with a more cheerful spirit, as if she had heard God promising opportune assistance at the appointed time; and she was never disappointed in her expectation. And below: The charity of Annona, which makes the wealthy more generous towards the poor, served as a liberator for the Handmaid of God. Although she herself had nothing from which to feed her needy household, she forbade anyone to be sent away empty-handed, even those who flocked to the door in large numbers. How pleasing the Lord found such generosity and hope, He demonstrated on many occasions. She did not cease to stir up the same feelings of trust in the Sisters, not only by the example of her own life, but also by frequent exhortations. "Do you have only a piece of bread," she would say to them, "share it with the poor at the door, and God will provide you with what you need to feed your children." But if she ever saw that some of the Sisters were

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somewhat lacking in this unwavering hope in God, the Handmaid of God would strongly rebuke them. "You should have said that the Lord would not let you lack, and then you would have said: Lord, we have nothing left; we cannot help Your children unless You help us first." The admonitions that Joanna gave to the Sisters on this matter so penetrated their hearts and were so deeply ingrained in their minds that they could never be forgotten. Therefore, the best of prelates taught them that there was nothing more fitting for obtaining great help from God than to give generously to alms, and that what might seem to worldly people to diminish one's fortune, on the contrary, greatly increased through God's benevolence. And what wonderfully commends and illustrates Joanna's hope is that God repeatedly aided His Handmaid with miracles. Although the reason by which the Institute was sustained in the midst of such great poverty, and so many needy people were fed daily, is not without a miracle. For it is not understood how, in the most difficult circumstances in which she constantly found herself, she could always receive opportune assistance, even from unknown persons or from those who were unaware of the present difficulties of the Handmaid of God. But with regard to the principal objects of Christian hope, which are supernatural graces and the attainment of heavenly blessedness after this mortal life, the heroic hope of the Handmaid of God is no less evident. For, as the author of her life says, our Joanna was not endowed with common Christian hope, but with a truly sublime hope of the perfect, which cannot be separated from charity, nor does it fail or weaken in the face of adversity, but is strengthened by it, as she speaks of.

[*Latin ed. p. 431*]

From the Sacred Ritual, 431: "The Apostle says: 'Let us glory in tribulations, knowing that tribulation works patience; and patience, experience; and experience, hope: and hope does not disappoint, because the charity of God is poured forth in our hearts by the Holy Spirit, who is given to us.'" We can sufficiently estimate the vehemence of his striving, by which he solely aspired to heavenly things, from the fact that he considered all earthly and human things as nothing, as we have seen. Indeed, he completely rejected and abandoned these things, so that he might more readily and swiftly pursue those heavenly goals. Compelled by the love of eternal blessedness, he willingly embraced a life full of cares and miseries; for, sufferings voluntarily accepted for God, not only became more bearable, and therefore more pleasing, but also assured a certain hope of a greater crown in heaven. But while he yearned with all his heart for eternal rewards and found rest in this sweet expectation, he was repeatedly subjected to such great trials that someone with less virtue might have often fallen into despair; yet she, on the contrary, became stronger and more steadfast each day. For the contradictions, injuries, and insults that she constantly bore with a cheerful and serene spirit were truly incredible. Those who were

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her confessors, men otherwise not to be scorned for their doctrine and piety, but not sufficiently enlightened in discerning the spirits, said that they considered her way of life to be suspect; while those to whom the reputation of the holiness of D. F. was a source of annoyance, whatever good she might do, attributed it to a vain love of glory, or said that she was animated not by the Spirit of God, but by the spirit of the devil. Then, Joanna did not wish to become angry at those who rebuked her, nor to respond, but rather to acknowledge her own unworthiness and misery, and to pray more fervently to God that He might grant her light to understand His will, and strength to accomplish it. But how well founded her hope was, became even more evident when, in the year 1706, the Blessed Lewis G-rignon came to her. He, although later, guided by the divine Spirit, came to know the truth, nevertheless, as a test of her virtue, said to her, "Ma Soeur, you are lost. I clearly see, as if it were day, that you are damning yourself." The opinion of sanctity, which Lewis held among all, certainly caused these very grave words to lead Joanna, if she had not been of firm hope, to despair. But she, as was her custom, fled to the Lord, supplicatingly and with confidence. "Make it known to me, O my God, if I am mistaken, or if it is the devil; yet all my intentions are to please You alone, O my God!" Furthermore, that unwavering trust in God is excellently fostered by that long, continuous, and never-interrupted prayer, to which...

[*Latin ed. p. 432*]

432 From the SACRED RITUALS, concerning faith, we have seen the Handmaid of God wholly devoted. For the Apostle says: "Rejoicing in hope. Patient in tribulation. Instant in prayer." For, as Saint Bernard writes, no one prays unless he believes and hopes. And God desires to be asked for even that which He promises, and therefore, He often promises many things beforehand, so that devotion may be aroused from the promise, and so that fervent prayer may obtain what He intends to give freely. Therefore, while heavier anxieties pressed upon her, Joan was all the more fervent in praying to God, seeking timely help: as when there was danger that the Fathers of the Oratory would be expelled from their houses, "she suffered" (says Witness LXIV), "but not relying on human means, she contented herself with redoubling her fervent prayers." She especially intensified her prayers when her spirit suffered from aridity, or when she seemed to have been abandoned by God, a trial which is often the most grievous and bitter thing that can happen to a soul solely seeking heavenly things. Therefore, not trusting in her own merits, but proclaiming herself the most unworthy and wicked of all people, she never doubted, through the power and goodness of Christ the Lord, that she would attain eternal glory. Regarding this, Witness VII says: "She was never shaken, despite the most horrible temptations. But always humbly, but firmly, she believed that she would be saved by the merits of Our Lord Jesus Christ." The same is written by the

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Reverend Father Céver, in his Life. This, as the author Saint Bonaventure says, indicates heroic hope; for he says, "He is in the highest degree who awaits [beatitude] from the mere goodness and mercy of God." Furthermore, since hope, as Saint Antoninus teaches, is a guide and an incentive for penance, the Handmaid of God also excelled in this regard. Moreover, the bodily afflictions she suffered were so severe and almost unbearable, that unless she had received a special revelation from God through Sister Francisca Souchet, that she would suffer no detriment to her health from the severity of her penance, one might rightly reproach her for such severity in punishing her body. However, this matter will be treated in its proper place. As age progressed, and the torment of temptations increased, by which God deemed it necessary to test the hope of His Handmaid, especially in the last years of her life, her confidence grew ever stronger. And in her final illness, while she lamented that God had abandoned her (so great were her sorrows!), she complained to a certain priest who was lamenting his own fate. "Sir," she said, "it is good that God holds us back a little."

[*Latin ed. p. 433*]

FROM the SACRED RITUALS 433 under its press f, "These words certainly testify most excellently how willingly she endured the pains of her illness in the hope of future glory. Therefore, it is permissible to add the testimony of LXIV: "Jeanne Delanoue, in a word, was an extraordinary and unwavering woman," who had a confidence in God.

CHAPTER V. On charity towards God. Now it must be said of the most noble of all virtues, for the sake of which the sanctity of any person ought to be judged. For Augustine says that the Apostle considers charity to be greater than faith and hope, inasmuch as the greater it is in anything, so much the better is that in which it is. For when it is asked whether a person is good, it is not asked what he believes or hopes, but what he loves." And rightly so: for the perfection of a man consists entirely in charity. And everything is perfect when it is joined to its end; and the end of man is joined to God through charity. As Saint Thomas teaches; who therefore affirms elsewhere: "The perfection of spiritual life is to be considered in charity." Moreover, this life was so perfect in D. F. that the witnesses confirm that divine charity shone marvelously in her, and informed all her actions. Therefore, they say that charity was, in a certain way, the soul of her life. "The love of God was the soul of her life." – "I have always regarded what I have read and heard about the Servant of God as having been consumed by the love of God." – "Her charity reached the heroic degree." "Indeed, since the love of the world and charity cannot coexist, as John says: "Do not love the world, nor the things that are in the world; for whoever loves the world has not the love of the Father in him," immediately after the Servant of God, where she first recognized worldly vanities through heavenly enlightenment and the pious admonitions of Francisca, she cast aside all concern for worldly

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things and began to strive only to acquire heavenly goods. Thus, emptied of worldly desires and pursuits, she daily longed more and more for divine love, and she was seen to strive with perpetual effort to reconcile herself with the love of the Father, until her last breath. It is certainly true that first..." from Acts, Vol. XXXI, page CCCLXVII.

[*Latin ed. p. 434*]

434. THE EXACT OBSERVANCE of the sacred rites is a sign of perfect charity, namely, the faithful observance of divine commandments, of which Christ the Lord speaks: "He who has my commandments, and keeps them, he it is that loves me" (John 14:21). Since true charity cannot exist without the observance of commandments, this sign appeared most clearly in the life of the Handmaid of God. Thus, the Witness VII states: "The first sign of love is to follow the precepts. She took great care to observe none of them, and bitterly reproached herself for her slightest negligences." Moreover, she did not consider it sufficient to be bound to God by the common precepts, but in order to unite herself more closely with God, she embraced the evangelical counsels with great joy, binding herself with holy vows. And before she pronounced the three religious vows, she had already made three other vows, which are a most evident testimony of her charity, namely, the vow to serve Jesus Christ in the person of the poor, the vow to exercise penance, and the vow to fast three times a week. Furthermore, Joan showed herself to be so constantly united with God that she seemed intimately connected with Him. We have said above that the Handmaid of God was continually in the presence of the divine; she always turned to God in doubts and difficulties, seeking counsel and light; and she was never able to engage in the affairs that occupied her, however important or numerous they were, without Joan's mind being drawn away from the Beloved for a time. Moreover, the author of her life adds that whatever things usually distract a person from consideration of heavenly matters, caused our Joan to be drawn even more closely to God. This is what the Auditors of the Sacred Congregation have considered in many Causes of Servants of God to be a very significant argument of charity; for St. Bonaventure teaches: "The highest perfection of a person in this life is to be so united that the entire soul, with all its powers and strengths, is gathered into God, becoming one spirit with God, so that it remembers nothing but God, and all affections are united in the joy of love, resting peacefully in the enjoyment of the Creator alone." This union of mind and soul with God is especially evident through frequent intercourse with Him in prayer. For, as Chrysostom says, "When I see someone clinging to the divine countenance, and considering this to be the greatest good, if he does not pray constantly, I judge him to be a mediator of all virtue and a temple of God." Indeed, we have seen that the prayer of the Handmaid of God was lengthy, prolonged late into the night, and so continuous, nourished

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by constant meditation and pious reading. The fruit and reward of such intimate union with God were frequent divine inspirations, which...

[*Latin ed. p. 435*]

From the Sacred Ritual, 435, divine light illuminated her mind, and inspiration flowed into her heart, so that whatever she did was accomplished with divine counsel and impulse. Therefore, the author of her life does not hesitate to affirm: "One can say that the Holy Spirit was her master, guiding her at every step, as it were by the hand, and inspiring her with everything she had to do, through the union and the holy communion she had with Him in prayer." Furthermore, the Sacrament of the greatest charity, which is the Most Holy Eucharist, inflamed her daily more and more with divine union. For nothing unites a soul that loves God more closely, nor fosters the ardor of the heart more powerfully, than this Sacrament, in which Christ Himself is contained and taken, and the riches of His divine charity are revealed. This celestial bread, indeed, was so desired by D. F. that she did not rest until she was granted daily Communion. This, in turn, demonstrates the charity of Joanna all the more, because at that time, the Jansenist plague was rampant, and many, even among the pious, were miserably wasting away, holding themselves back from this supernatural nourishment out of excessive fear of reverence. But the Handmaid of God, eager to fulfill the desire of Christ the Lord, could not be completely separated from the sacred Hosts, which were hidden under mystical veils, so that she might continue to be among men and, in a certain way, converse with them. Therefore, she frequently visited the Most Holy Sacrament during the day; and as much time as she could, she devoted to these pious visitations; and when she was occupied with other works of charity, she diligently encouraged her sisters to take her place, lest they abandon the Beloved. Later, when she had attained what she had so ardently desired, that the sacred Synaxis could be kept in the Congregation's chapel, she took care that at no hour of the day would the adoration of the divine Sacrament be lacking. What Scacchus asserts, namely: "it is necessary... that this most holy Sacrament, since it is the most holy of all the Sacraments because of the presence of Christ, also impart holiness to him who devoutly receives it," was splendidly exemplified in D. F., who, as Mary Laigle, a most pious woman and one of her sisters, said: "in her Holy Communion, she found all that love can possess." Moreover, the force of this argument is increased by the tender love with which she was affected towards the Passion of the Lord; for she loved God with all her soul, who sweetly sympathizes with Christ in His suffering. For, by diligently meditating and recalling, and by conversing in the minds of others,

[*Latin ed. p. 436*]

436 From the Sacred Ritual, it was pleasing to call upon the mysteries of

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the suffering Christ repeatedly; and five times a year, on certain fixed feast days, she celebrated with greater devotion and more rigorous exercises of penance, both herself and by ordering that the Sisters should perpetually celebrate them. But in order to demonstrate how much she grieved for the Crucifix, she asked for nothing more often, nor more vehemently, than pains, sorrows, and bitter hardships. And if, at times, although rarely, she felt that God was treating her more gently, so that she could not fully satisfy her burning thirst for suffering, then she afflicted herself with more severe voluntary penances; and she imposed limits on these self-inflicted torments, which the most ardent charity scarcely allowed her to endure. "It was for Our Lord and for His pains that she made such excessive acts of penance," said Mary Laigle. When, however, she was most grievously tested by pains and sorrows, as God permitted, she was nothing but more cheerful and joyful; and if, for some reason, she remained ill, it was because she was not sufficiently exercised; for with the sufferings, her charity grew, and the ardor of her patience increased. Mary Laigle adds: "Our Lord inspired Jeanne with such a great love for suffering, that she prayed with fervor to obtain the grace to suffer even more. Her desire for perfection was constantly increasing. She had a violent desire to be able to suffer for her Lord with such insistence..." To her Lord and Spouse, she made such fervent prayers, that finally, Christ willed that she be afflicted with three of the most grievous diseases, which brought her almost to the very end of her life. And in order to further nourish her loving soul, when, in 1711, she was engaged in spiritual exercises in retirement, she graciously accepted Joan, sharing in part the pains which He Himself had suffered in the scourging, in the crown of thorns, and in the crucifixion. And while she was being pressed by such incredible pains, she poured forth these and similar words from her burning heart to God: "My God, satisfy my desire, quench my thirst." And also, because of the merit of her charity, she was made worthy that Christ, the Lord, might grant her to behold the most Blessed Virgin, His divine Son, hanging on the cross, so that Joan might understand that her charity towards the suffering Christ was pleasing and accepted. Here, however, the love of the handmaid of God is truly to be called perfect, because, although subjected to the greatest trials, it never diminished in the least, but always became greater and purer. For she abhorred nothing more than sin; therefore, when temptation pressed and danger of offending God was present, she prostrated herself on the ground,

[*Latin ed. p. 437*]

From the Sacred Ritual, 437, she beseeched the Lord with tears, that He would not permit her to be separated from Him. Whatever she had committed against divine law in her life, from the very beginning of the use of reason, was the cause, and even the slightest errors and imperfections arising from the weakness of nature, were the cause, why she suffered

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perpetual sorrow in her soul and severe chastisements in her body. For, as Mary Laigle testifies, Christ the Lord inspired her with the disposition not to grieve only for her own salvation, and this is the mark of those who truly love God, that they strive earnestly to gain Him more and more lovers; therefore, as much as she could, by exhortation, warning, and persuasion, she sought to draw men away from the mire of sin and to turn them towards the love of God. Therefore, she used to say: "If I could prevent sin for only one week, at least during that time, my God would not be offended." – For the same reason, she expended the most grievous labors for the spiritual and bodily salvation of her neighbors, especially the poor, in whom she recognized and loved Christ in His poverty. But her special care, as is fitting, was directed towards the Sisters, in whom she did not cease to kindle and foster the fire of divine charity. And therefore, in the Rule established for them, she spared nothing of study and diligence to ensure the love of the Sisters for their Divine Spouse. – She demonstrated this with examples and sermons. Indeed, it is worthy of remembrance what is read in the Summary of a certain ecstasy of St. D. Who, when rapt in the presence of some of the Sisters into the contemplation of the heavenly Bridegroom, when she returned from that vision, being inflamed with the flames of love, she desired to communicate the same ardor of spirit to the Sisters, and she spoke to them such a wonderful discourse about the sweetness of divine charity, that it truly seemed that she spoke from the abundance of her heart. Therefore, we can rightly confirm what witness VII, with the agreement of others, asserted: "The charity of Jeanne Delanoue was as heroic as her hope and her faith."

CHAPTER VI. On charity towards one's neighbor. For the love of God generates the love of one's neighbor; the love of one's neighbor warms the love of God. Then, indeed, charity rises to the highest perfection, when it draws itself wonderfully to the depths of one's neighbor, and

[*Latin ed. p. 438*]

438 FROM THE HOLY RITUAL, by which it descends most graciously to the depths, and perfectly returns to the heights. Furthermore, since Saint Joan Delanoue has demonstrated such excellence in the charity of God, as has been shown above, it is entirely fitting to infer that she likewise excelled in the charity of her neighbor. This, indeed, is proclaimed by all who know her, especially those who attest to the widespread fame of this virtue of the Saint. Thus, for example, Witness VII: "It was by all mouths and by people of all conditions that I heard celebrated her truly wonderful charity for her neighbor." — Witness XIV: "The people among whom I lived in my early childhood spoke with admiration of the charitable acts of Joan Delanoue, and repeated that they would never see another Joan Delanoue." Now, in order to demonstrate that this widespread fame is in accordance with the truth, let us briefly examine the nature of this virtue

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and how the Saint fulfilled its many aspects. But what is the intimate nature of charity, especially as it pertains to one's neighbor? We believe that it can be best understood from the most accurate description given by the Apostle of the Gentiles: "Charity is patient, charity is kind; it envieth not, it vaunteth not itself, is not puffed up, Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; Rejoiceth not in iniquity, but rejoiceth in the truth; Beareth all things, believeth all things, hopeth all things, endureth all things." It remains to see whether the Handmaid of God exhibited these characteristics of charity. Indeed, she displayed them most splendidly. For charity is patient and kind, that is, charity acts so that we may bear with equanimity whatever may befall us in this world. Furthermore, regarding all kinds of hardships, and how Joan endured them, it is more appropriate to speak in the chapter on Fortitude; now, we must consider those hardships that she willingly endured for the sake of doing good to her neighbor. When the Saint, at the invitation of the pious Francisca, turned from worldly cares to works of charity, she spared no effort in relieving the suffering and the poor. She was content to hear of someone in great need, and would immediately hasten to provide assistance. Hence, those excursions, of which we spoke, to the *suburbium*, where certain families were lying in the stables in the most miserable condition. To them she went daily, bringing linen, bread, and money in baskets; and she clothed the naked, comforted the weeping, so that she truly appeared as an angel of mercy sent by God. She did not do all of this without encountering difficulties, nor without enduring the harshness of the weather, nor without the concerns of her family.

[*Latin ed. p. 439*]

It could be contained within the decrees of the Council of Trent, numbers 439, concerning complaints and accusations. However, when she returned home in the evening, tired from labor or even burning with fever, she was accustomed not to rest her members in sleep, but to remain awake for a long time in prayer before going to bed, and to prepare the alms for the next day. "The city and the countryside were filled with her generosity. Her errands extended far into the night: neither cold nor heat stopped her; she went forth laden with her heavy bag, seeking out all misfortunes, and when she returned exhausted and weakened, overwhelmed by fever, instead of taking rest, she spent the night praying to God and preparing the alms for the following day." To her niece, who, observing such great generosity of charity, was distressed, D. F. replied: "I warn you that I am resolved to give everything, even to the last shirt." And indeed, she did not only give superfluous things to the poor, but also those things which were necessary for herself. During that journey to Tournay, which she undertook for the sake of piety, when she encountered a woman almost naked due to extreme poverty, she gave her half of her clothes; likewise, as a harsh winter

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approached, she gave another woman her undergarment, her shoes, and a single tunic, leaving herself only the clothing necessary to maintain Christian modesty, not to endure the harshness of the cold. Furthermore, this patient and benevolent charity exhibited another excellent example when, experiencing how difficult it is for the poor to lack shelter, she wanted her house to be a refuge for orphaned girls; and afterwards, she considered it wrong to refuse any of the poor women who came seeking help. "She then began her hospice, first gathering orphans, and then making it a rule to refuse none of the poor women and girls who presented themselves." In this matter, she said she was moved by the thought of the final judgment, in which Christ will say that what was done to the least of his brethren was done to him. To ensure that these orphans and abandoned women were not lacking anything, she endured all bitterness and hardship; therefore, when a large stone collapsed and damaged the hospice, D. F. did not despair, but, seeking another house for the girls, she said: "Nothing will separate me from them, even if I must beg for their bread, go and live with them in a field; I will live with them, and I will die with them." Furthermore, the kindness and charity of S. D. extended to everyone, although she was more devoted to the poor. "Let us serve everyone," she said to her companions, "but if we must choose, let us prefer the poor."

[*Latin ed. p. 440*]

440 From the Sacred Canons of the Ritual, a gentle nature was judged foreign to her concerns. She bore within her the viscera of mercy towards the afflicted and sorrowing, striving to console them with words and deeds: she frequently offered solace to the sick; and she showed true maternal concern for those held in public prisons, not only to encourage them to endure their punishment, but also, and especially, to lead them to repentance for the crimes they had committed. For if the Handmaid of God diligently attended to the needs of the body, she strove even more diligently to care for the illnesses of the soul. Therefore, she brought back to divine grace and friendship many sinners who were most estranged from God. The conversion of one man was particularly remarkable: he, having committed numerous and heinous crimes, and being held in prison as the accused in a plot to murder, was condemned to the penalty of death. He was so firmly fixed in a mire of vices that he could not bear to have the word of God spoken before him, nor could he stand the sight of a priest; moreover, he seemed possessed by a malignant spirit, his mind overwhelmed by the memory of countless sins, and thus driven to despair of divine forgiveness. The Handmaid of God undertook to bring such a man back to the path of righteousness, and she persisted in exhorting and warning him, so that, not without a miracle, she successfully led him to deplore his past life and to begin a new life founded on love and fear of God. She comforted him even in his final moments and took charge of caring for his small daughter with

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all diligence. She devoted a particular zeal to rescuing impudent girls who earn a shameful living with their bodies from the worst kind of life. And to those who reproached her for these efforts, the Handmaid of God said that it was not enough to know how great is the evil of offending God. Therefore, she said: "If I were to restrain them for only one week, I would always prevent the Majesty of God from being offended by the disorder of these unfortunate women." Therefore, she diligently sought out these miserable women, and brought those she found to her home, where, by revealing the filth of sin and the danger of eternal damnation, she strove to lead them to a reformed life. The works of charity performed for outsiders did not prevent the Handmaid of God from seeking the benefit of her household with great diligence. And so, she showed true skill in the wisdom of maternal love towards her sisters. "Her Sisters, or rather, her daughters, she loved with a special love... Desirous of their salvation, she sometimes treated them a little harshly, but always for their greater good and always under the inspiration of the Holy Spirit. Thus, Marie Laigle says, her Sisters loved and venerated her."

[*Latin ed. p. 441*]

From the Sacred Ritual, 441: Among those who were related to her, the handmaid of God received special tokens of charity. For it was through her encouragement and diligence that Joanna finally recognized the vanities of the world, and after a holy life, she passed away within her religious family. Many ecclesiastical men also perceived that the handmaid of God, adorned with a singular divine light, gave great impetus to perfection; for "the zeal of the Servant of God for the conversion and sanctification of souls was devouring..." For this reason, God gave extraordinary insights to Jeanne and communicated to her words a penetrating power, which changed hearts and transformed lives." Charity does not envy, it does not act unbecomingly, it is not puffed up; that is, it does not envy its neighbor, it does not behave impudently, nor does it act haughtily towards its neighbor. Truly, the good things of others, whether contained in temporal things or in spiritual matters, could in no way provoke envy in the handmaid of God, who, having renounced worldly concerns, devoted herself so much to the benefit of others, that she also attended to the needs of the body as far as she was able, and promoted the progress of souls as much as she could. Therefore, doing all things for all, she did not display a proud or impudent spirit, but rather a gentle and meek one towards all, especially towards her detractors and enemies; and her humility was so great that, even though she was the highest authority in her congregation, she nevertheless preferred to take the last place as her own and due place: "taking for herself what was the most burdensome in the work, performing in the house the most humble and repulsive tasks." Charity is not ambitious, it does not seek its own things, it is not easily provoked, it does not brood over evil. Indeed,

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there is no doubt that the charity of the Servant of God was not ambitious, that is, that she never feared that in helping others in any way, she would suffer a detriment to her dignity. For whoever considers the life of Joanna Delanoue will not doubt, for "this ministry of mercy became the entire life of Jeanne, who, abandoning all other occupations, did not fail to make the sacrifice to God of her goods, her person, and her health." But it is said that the handmaid of God was led by no hope of gain, by no cause of her own benefit, but solely for the sake of her neighbors, who "began by stripping herself of all interest, in order to be good and useful to everyone," and she placed all her delight in helping those who were destitute of all human help. She was always so meek and humble of heart that, when she was subjected to injuries and calumnies, she was never seen to become angry, even slightly, with her enemies, whose...

[*Latin ed. p. 442*]

442 FROM THE SACRED CANONS, which forbade her from daring to judge herself, nay, she herself condemned, and embraced the part of her accusers against her, with as much eagerness as the most vindictive man would take the side of a third party who spoke ill of his enemy. "Charity rejoiceth not in iniquity, but rejoiceth in the truth." We have seen this true mark of true charity splendidly displayed in the Servant of God, who strove with nothing more diligently than to lead her neighbors away from iniquity and sin, and towards justice and truth. Furthermore, the other characteristics of holy love, which the Apostle enumerates with those words: "all things suffereth, all things believeth, all things hopeth, all things endureth," are clearly evident from what has been said above, especially in the chapters concerning Faith and Hope of the Servant of God. Therefore, no one can deny that perfect and complete charity shone forth in Joan, especially if one considers what the Witnesses say: "This charity was all the more admirable and heroic, because she was not naturally tender and compassionate towards the unfortunate." Thus, the benevolence of the Servant of God towards her neighbor must be considered as the fruit of pure virtue.

CHAPTER VII. On Prudence.

The treatment of moral virtues is rightly instituted by prudence, which, according to the teaching of the Angelic Doctor, directs the moral virtues in choosing those things that are conducive to the end: hence, since the end of each moral virtue is to attain the mean, and to determine it according to the right reason of prudence, prudence proposes to the other moral virtues the end and the means to be pursued by them.

Prudence, however, is distinguished in two ways: namely, particular prudence, which is exercised concerning one's own good, and common prudence, which is concerned with the good of others. Something must be said about both. Indeed, all that we have recounted so far concerning the life and virtues of Joan Delanoue, clearly demonstrates that particular,

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or monastic, prudence shone forth in her in a singular way. The task of particular prudence is to guide a person towards the ultimate supernatural end, and to facilitate, pleasantly, and with the help and guidance of divine assistance, to suggest the appropriate means to achieve that end. But from the time of her adolescence, when the Servant of God began to devote herself more fervently and eagerly to the care of eternal salvation, what else was it...?

[*Latin ed. p. 443*]

From the Sacred Ritual, 443, her entire life was nothing but progress through all the acts of virtue, leading to a supernatural end, namely, God? She always looked to God, she sought God in all things, she always had God present. This is especially evident from that marvelous charity, by which it truly seemed that the conversation of St. Joan was in heaven. And to more safely attain that ultimate goal, what heroic deeds did prudence accomplish? For, yielding herself as a docile and obedient student to the pious St. Frances, who, guided by the light of the Holy Spirit, invited her to all holiness, she declared war early on against the inclinations of her nature, and employed the means most suited to attaining perfection, and this with perseverance until death. Indeed, applying herself to curb the love of worldly things, which was the very cause by which she was held back from perfection, she began to feed the poor; and thus, she progressed in the mercy towards the needy of her neighbors, so that this virtue, from which the Handmaid of God was formerly so far removed, became, as it were, her own and singular effect. And this is not a small indication of her prudence: for, once subdued and overcome, by the grace of God, the dominant vice, according to the spiritual masters, progress in the other virtues became easier and more straightforward. After having consumed all her possessions for the poor in Solaize, she founded a religious institute for sisters, in which both the needs of the neighbors were served until the very last breath of life, and greater opportunities were given for attaining perfection. Therefore, St. Gregory of Nazianzus rightly proclaims: "You possess prudence, which seeks out what is eternal, and this is more valuable than the company of the rest of mortals, who separate themselves from the world and consecrate their lives to God." But in order to foster the flame of charity with daily nourishment, she employed all the most suitable means and aids. Her prayer, as we have mentioned, was constant and fervent; her continuous consideration and meditation on the most sacred mysteries of the faith, especially on the most sacred Passion of our Lord; her tender devotion to the Eucharist, a singular pledge of divine charity, to the Virgin Mother, and to the saints in heaven; her frequent and pious use of the Sacraments. Add to this the most severe penances and voluntary bodily mortifications, lest the stubbornness of the flesh extinguish the flame of heavenly love, but rather, that the soul, weakened by the insolent forces of the flesh, might conceive of

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divine love more and more. And so that, because of the excessive bitterness of penance, no one might be led to suspect the prudence of the Holy One, it must be remembered, as we have said above, that Joan, to

[*Latin ed. p. 444*]

444 From the Franciscan ritual of Souehet, it is stated that he had received no detriment to his health from those voluntary penances. She followed the path of counsel most religiously, and it is evident that the Handmaid of God never failed, in the smallest matters, to observe divine and ecclesiastical laws, nor the constitutions of her Institute. Indeed, having only the will of God and His glory, and the salvation of herself and her neighbors, as her purpose, she was accustomed to take the greatest care to prevent any deviation, or anything improper, from taking root in her mind and heart. For she seemed to look to God in all things, and to follow only His guiding light: "Jeanne did nothing but follow the movements of the Holy Spirit in everything, and every detail of her penances and her charities was inspired to her. All the marks of a good spirit characterized her inspirations." And these words of the Angelic Doctor apply well to our Jeanne: "Prudence, which alone perceives the divine, is the virtue of a purified soul, proper to the blessed and to others who are most perfect in this life." Therefore, whatever she did or undertook, she always sought to consult God and to inquire into His will, as the witnesses testify. And since she understood that the divine will is usually recognized better through a wise and prudent guide, she chose a righteous and learned priest, to whom she entrusted the reins of her conscience, and she never undertook any matter of importance without first hearing and consulting him. From this, the witnesses praise her "prudence for herself, in not doing anything without the advice of her Director and Confessor." This confessor, because he seemed to possess the spirit of God and was more perfect than others, although "he did nothing but contradict her, humiliate her, and even outrage her in every way," was faithfully followed by the Handmaid of God from the year 1691 to the year 1716: at which time he dismissed her, against her will. But when she could not often and frequently obtain the help of his counsel and guidance in matters of doubt, she fled to God Himself, praying with great lamentations, although (which greatly commends Jeanne's prudence) "she only followed the inspirations when she had the evidence." But the entire edifice of the holiness of the Most Holy Virgin shone with the foundation of profound humility, by which she felt herself to be most humble, and considering herself in need of help in every way, she always implored the riches of divine mercy with the greatest confidence. We have said above about her admirable faith in God the Provident; concerning her humility, we shall speak in its place; but it is fitting to offer a beautiful testimony from

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the Reverend Father Mauritius Buchet: "The prudence of..."

[*Latin ed. p. 445*]

FROM THE SACRED RITUALS, 445: Jeanne De Lanoue should not be judged according to ordinary rules; she exemplified a complete surrender to the Providence of God, in the manner of Abraham and Moses. — If any difficulty arose, either for her own benefit or for the benefit of others, she poured forth fervent prayers to God or afflicted her body with severe penances. Knowing that it is impossible for anyone to constantly maintain a righteous purpose amidst worldly distractions without being somewhat stained by worldly dust, she therefore devoted set times to sacred exercises with the utmost piety, withdrawing from the world. — Although she was endowed with the gift of counsel, in difficult and doubtful matters, she not only used to pray for guidance from God, but because she knew that, according to divine providence, men are governed by men, she therefore repeatedly consulted wiser individuals. Thus, in addition to the confessors she had, she sought out several other outstanding men of learning, including the Bishop of Angers, Father Grégoire, and a certain renowned Doctor of Theology, to whom she even traveled to Limoges to consult. All of them highly approved of Jeanne's way of acting and encouraged her to persevere in her endeavors; especially Louis Grignon, who was recently declared among the Blessed in Heaven. This man, having received the handmaid of God more seriously, in order to experience the proof of her virtues, and after learning that she was founded in humility, is said to have spoken to her, inspired by God: "My daughter, persevere in what you have begun; it is the Holy Spirit who inspires you." As for common prudence, this also shone forth splendidly in the handmaid of God: for she always demonstrated complete trust in God, especially in the governance and administration of her hospice and congregation. How much she abhorred worldly prudence is clearly demonstrated by the fact that she readily admitted into the number of Sisters those who seemed less capable, namely, those weak in health and poor, provided they offered a good will to advance in virtue and to care for their neighbors. The sole support of all her endeavors was faith in Divine Providence: "She employed for her works what would have ruined them: complete abandonment in God and heroic trust." Jeanne's prudence was most evident in guiding the Sisters towards all virtue, helping their progress with the most suitable means. Therefore, she prescribed to them rules full of prudence, which she herself composed; and she reminded them daily of the sanctity of their profession. The rules, which she later—

[*Latin ed. p. 446*]

446 The Bishop of Agen, according to the Sacred Ritual, testified that, both from other accounts and from what concerned the sufferings of the body, the Divine Servant demonstrated a divinely inspired prudence. This

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Servant of God did not wish her sufferings to be so great, although she herself, according to the grace given to her, bore the greatest possible burdens; for she preferred spiritual mortification to bodily mortification, which, when excessive, can harm health and create a grave danger to humility. The remarkable prudence of the Lady was evident in her frequent conversations with the Sisters, in which she encouraged them to strive for perfection in the religious life. From this, it was possible to judge how great was her discernment of spirits and her knowledge of spiritual matters. In this regard, it is impossible to pass over the wonderful rules which St. Ignatius of Loyola presents in his book of Spiritual Exercises for the correct discernment of spirits, rules which the Servant of God both invented and applied with the utmost rigor, although she never read such a book. Although she was deeply affected by love of humility and obedience to all, nevertheless, if at any time there was a danger of sin arising from such obedience, she freely refused, so that it might please God. Thus, she and those subject to her remained free from the Jansenist heresy; and no argument could be used to persuade her to associate herself with ecclesiastical men tainted with heretical error. The fame of her supernatural prudence, which was widely known, led many serious men to seek her counsel; among these, it is necessary to mention Fr. Grenetau, the confessor of our St. Joan, who on more than one occasion, in matters of some importance, sought the prudence of the Servant of God.

CHAPTER VIII. On Justice. "The just man," says St. John Chrysostom, "embraces all virtues; for we are accustomed to call by this name those who practice all kinds of virtue." If the word "justice" is taken in this broadest sense, namely, as denoting the fulfillment of all laws through aversion from every moral evil and the pursuit of good, then it becomes clearly evident that the Servant of God manifested justice in a singular way. For, as we have seen above, she diligently observed the commandments of God and the Church, vehemently hated all sin, and ardently pursued virtue. But concerning...

[*Latin ed. p. 447*]

From S. Gregorii Rituum, 447, it is necessary to consider justice, since it is a special virtue, and it is defined by the Doctor Angelicus as: "a habit by which someone constantly and perpetually renders to each one what is his due." Regarding the subjective parts of this virtue, which are commonly called commutative and distributive justice, it is to be noted what Scacchus teaches: "that in no circumstances are acts of justice required of any servants of God, but rather, attentive to the condition and state of each servant of God, those acts of justice are required from each of them who are able to correspond to that state and condition." And concerning distributive justice, by which equality of proportions is maintained in assigning duties, honors, and the like, there is nothing to add, except that the Servant of

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God, endowed with that remarkable discernment of spirits, distributed the duties of her Congregation to those sisters who could better perform them according to their dignity and ability. As for commutative justice, which maintains equality of thing for thing, especially in contracts, it is undoubtedly to be affirmed that the Servant of God was most devoutly practiced in this virtue. For, in order to avoid the dangers of being defrauded in any matter concerning her neighbor, she promptly sent a message concerning a transaction, as mentioned above; and she immediately began to offer all her resources to the poor. This is rightly considered a sign of heroic justice; for if someone generously helps those in need from their own possessions, it clearly indicates that they are very far from wanting to unjustly take from another's property. It is true that, in order to meet the urgent needs of the Congregation and the Hospice, Joanna took on a considerable amount of debt and accumulated more Mass stipends. However, she did not do this without a sign of divine will, nor were those from whom she received money unaware of the great poverty that afflicted the Servant of God. Certainly, Francisca Souchette encouraged her to take on the debt without hesitation, and she herself gave God as a guarantor. "Act with faith," she said, "and God himself will take care of your debts." And indeed, in a most wondrous manner, the Servant of God paid off all her debts. Several potential parts of justice are enumerated by the Theologians. The first is religion, since, as St. Thomas says, it draws closer to God more than any other virtue. Two acts are placed under religion: devotion and prayer. Indeed, devotion, namely, that prompt willingness to dedicate oneself completely to those things that pertain to the service of God and worship, was full of intelligence and diligence in Joanna, who, having set aside earthly concerns, readily dedicated herself with great zeal to promoting the glory of God through mercy towards the poor.

[*Latin ed. p. 448*]

448 FROM the Acts of the Congregation. In the chapters concerning Faith and Charity, we understand how much love she bore for the sacred mysteries of religion, especially for the Most Holy Eucharist and the Passion of the Lord. And she also encouraged the sisters to serve the divine with such devotion: "If you do not sacrifice yourselves to God and to His glory, it is in vain that you have left the world." — Concerning prayer, or rather, the second act of religion, as the same Saint teaches, we believe that we have said sufficiently and abundantly in the aforementioned chapters. Following this is piety, which, according to the teaching of Tully, reminds us to fulfill our duty towards our country, or our parents, or those united to us by blood. But this aspect of justice was perfectly fulfilled by Joan, as the witnesses attest, who say that she showed to her parents, according to the flesh, and to her mother, the most filial respect. Certainly, as far as her niece is concerned, we have seen how much the handmaid of God labored to inspire in

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her a love for heavenly things, and how many troubles she endured until she finally led her to the religious life and to works of charity. Observance, which renders to Superiors the honor and reverence due, was most exact in the handmaid of God. She showed to her Superiors respect, honor, and complete obedience. — In particular, she exhibited such obedience to those who guided her spirit, accustomed to undertake nothing of importance without first hearing their counsel and advice, following their words as if they were divine. Therefore, the witnesses say: "She submitted to the will of God, manifested through her Ministers. Our Sister did nothing without the advice of one who knew her interior." The vindication, which pertains to the amendment of sins, the preservation of justice, and the honor of God, was sufficiently demonstrated by the handmaid of God, when she afflicted herself with the most severe punishments, in order to atone for the injuries offered to God by her own defects and the sins of others. — We rightly affirm that the truth, by which a person shows herself to be as she truly is, was evident in the handmaid of God through her humility and her disregard for human opinion. — Concerning friendship and affability, which are also potential aspects of justice, there is no doubt that they were most excellent in Joan; whose truly heroic charity we have already mentioned in its place. Moreover, affability and kindness did not prevent her from, when necessary, employing salutary severity. Therefore, to her sisters, whom she was accustomed to help with counsel and with all her strength, if she perceived that they were not willing to listen to her; "Do not come to me," she would say, "if you are not willing to listen to what might humble you, for I know only justice and the good of your souls."

[*Latin ed. p. 449*]

FROM S. G. RITUUM 449 Finally, concerning the liberality of St. Dominic, it is fitting to say nothing further, after what we have said in the chapter on charity; since it is clear that she drew from her paternal inheritance to provide for the poor, and she spent her entire life for the benefit of her neighbors.

CHAPTER IX. On Fortitude. Now, let us speak of that virtue which most distinguishes heroes from the common crowd; and which constantly urges the acceptance of labors and dangers for the sake of a supernatural end. This virtue has a particular commendation in women, because of their weaker nature; and in the Scriptures it is said: "Who shall find a virtuous woman? for her price is above rubies." We shall see how this same Saint Joan Delanoue manifested sanctity, and in her, great magnanimity and trust in undertaking difficult tasks, patience and perseverance in enduring them, were wonderfully evident; these are the four potential parts of fortitude, according to St. Thomas. Indeed, the witness states: "As for the strength of Joan, it is a virtue that throws one into astonishment." For it is necessary that the Handmaid of God possessed a great and elevated spirit,

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in order that she might undertake such great and arduous tasks. From the very beginning, moved by the instinct of divine grace, she diligently devoted herself to her own sanctification and that of her neighbors, and immediately she cast aside all worldly cares and established a life entirely dedicated to penance, charity, and the works of mercy for the poor. The austerity and severity with which she sought to subdue her nature in all things, the most frugal food and the many ways in which she mortified herself, the long and frequent fasts, the humble habit and demeanor, the short and uncomfortable sleep; to these were added the floggings and macerations with which she constantly exercised her body, in order to correct natural defects, subdue passions; these are things that wonderfully testify to the magnanimity of the Handmaid of God. Although this will be more appropriately said in the following chapter, it is best to hear from the witnesses that "she stripped herself of everything she possessed, and devoted herself to the exercises of the most austere penance." I have already said in my testimony that Joan Delanoue, in her youth, strove to combat her natural defects, imposing upon herself the most rigorous penances when she believed she had committed some faults. "Everywhere in her life, one finds the terrifying regimen that Joan had imposed upon herself." See Acta, Vol. XXXI, page CCCLXVIII, 29.

[*Latin ed. p. 450*]

450 From the Sacred Rituals: What could be more arduous than undertaking to support an innumerable throng of the poor with extremely meager resources? Yet, the Handmaid of God accomplished this, and did so admirably. For, as we have seen, having relinquished the small provision from her niece's trade, from which a modest sustenance for the family was obtained, she herself began to make daily excursions into the surrounding areas in order to find those in need and to alleviate their suffering. And she indeed found a vast field for her mercy; so that it seemed that she was giving away her entire substance to these poor. However, while she lacked resources to assist the poor in the Lord's service, the ardor of charity and mercy grew daily; so that she began to consider taking in orphaned girls into her home. This lodging, however, did not prevent her from assisting other needy individuals; and not only did she provide aid to all who came to her daily, according to her ability, but she also received others, from the most destitute, into her home for lodging. Thus, that which the municipality of Saumur had long and unsuccessfully attempted, which wealthier individuals had dared not undertake, namely, to open a home for the poor, was accomplished by Joan Delanoue, although she was poor and obscure. Hence the testimony: "She founded a home and hospice, and accomplished alone and with nothing what the inhabitants of Saumur had never been able to do with public funds. Three times, they had been ordered by an ordinance of Louis XIV to found a hospice, and they had never

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been able to agree." Furthermore, this work was so great and magnificent that it aroused the admiration of the community and inspired the zeal of certain pious women, who were eager to join the Handmaid of God, in order to share with her in assisting the poor. Thus, Joan Delanoue became the foundress of the Congregation of Sisters of St. Anne; from which, wider and more extensive works were developed. But the trust, with which the Handmaid of God shone solely in Divine Providence, was the reason why she entered into such difficult and arduous matters with such eagerness. This trust of Joan, which, as we saw in the chapter on hope, was a singular and distinctive characteristic of hers, became most clearly evident when a sudden collapse of a large stone crushed the hospice of the Servant of God. At that time, being deprived of all resources, having lost all her possessions, with only the orphaned girls to whom she must attend, subjected to the ridicule of enemies, who still envied her virtue, she had no comfort from her friends, which she so greatly needed. For these people tried to persuade Joan to abandon all thoughts of rebuilding another hospice, and to leave the orphaned girls.

[*Latin ed. p. 451*]

From the Sacred Rituals, 451, they sought to dissuade her; and even in that calamity and ruin, they claimed to see the judgment of divine will. Therefore, enemies and detractors, everyone agreed to discourage the Servant of God, and even the ruins of the house seemed to cry out even more... But Joan had such great faith, that all the rebukes... could not persuade her that the Lord might abandon her, for her faith was so great that the Lord would restore her for the relief of the poor. And the Servant of God proved her patience in enduring all kinds of troubles, so that she might be an example and a source of admiration. First of all, she was held in contempt, even by those to whom she had shown kindness and charity. For even the poor to whom she did the most good, slandered her at every encounter. Her house was mockingly called the "Hospital of Providence," which was a burden to the most destitute. But the Servant of God, with her faith strengthened, considered it her duty to care for the poor, as if they were the most beloved brothers of Jesus Christ, and she assisted them with greater diligence than any other needy person, and her abundant generosity was considered extravagance. The wealthy, in particular, persecuted her with envy and reproach, for although they could more easily help the poor of their neighbors, and yet did not do so according to their ability, they could not bear that Joan, with her lesser means, should accomplish so much. She also endured many troubles from her niece, with whom she lived. For the Servant of God, following the heavenly voice, was more generous in helping the needy, and therefore seemed to neglect the family affairs, and was repeatedly rebuked by her niece, and wounded by the reproaches of the envious. Thus, the niece caused her aunt much sorrow regarding

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charity. This caused much distress of mind and body to our Sister. But she firmly and steadfastly held to her sacred purpose of helping those within her power, and she disregarded the judgments of worldly people, content with the judgment of God alone. But more intensely and cruelly was that which the Servant of God suffered in her own mind, because of her very works. Needy herself and in want, in order to feed the ever-increasing multitude of the poor, she indeed believed most certainly in Divine Providence; but nevertheless, the daily and numerous necessities of the hospital often forced her to borrow money from others. In this, a cruel obstacle was often presented by suspicion and fear in her mind, lest she might not be able to satisfy her creditors. What should the Servant of God do? Should she abandon her work? But charity forbade it. The debts multiplied...

[*Latin ed. p. 452*]

452. How could she continue according to the will of God? But justice seemed to stand in the way. Should she seek counsel from prudent individuals? But from among the many whom she knew, not one, not even her confessor, could alleviate her suffering and dispel her doubts. Indeed, God, who alone is the comforter of the afflicted, having been earnestly and repeatedly implored through fervent prayer, finally restored peace and tranquility to her soul. Furthermore, she endured harsh and almost constant temptations from the devil, as well as terrifying visions and threats. "Throughout the course of her life, the demon scarcely left her in peace; she confessed that on many occasions he appeared to her in horrible forms; and he attempted to frighten her with his threats. But he was never able to make her succumb." Finally, amidst all these adversities, her patience and perseverance were truly admirable. For, as we have seen, deprived of all human support, burdened by external and internal labors, treated with contempt or hatred, and slandered and reviled, seemingly abandoned even by God himself, yet Joanna remained steadfast and firm in her works of charity and penance for a period of forty years, until the end of her life. In the heroic exercise of virtues, no one could find fault with her, nor any shadow of weariness; but with the increase of age, her love for Christian perfection grew, and she progressed continuously from virtue to virtue, until she attained the ultimate perfection. Let us hear what many witnesses testify: "Never was there seen in her even the slightest, most fleeting defect, nor, above all, the least mark of lukewarmness. On the contrary, until her death, her desire for perfection did not diminish, but rather increased more and more."

CHAPTER X. On Temperance. After a discussion of Fortitude, the object of which is terrible things, a discussion of Temperance follows appropriately, as it concerns things that are pleasurable. This virtue, generally speaking, signifies a certain moderation, that is, the restraint that reason places on human actions and passions, which is common to

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all moral virtues; but, according to St. Augustine, specifically understood, it is "an affection that restrains and holds back the appetite from those things that are sought after in a shameful manner." Indeed, our Lady Joanna Delanoue, having restrained all those inclinations that lead to sin, distinguished herself by her outstanding example of temperance throughout her entire life.

[*Latin ed. p. 453*]

From the Sacred Ritual, 453: From the very beginning of her life, she shunned worldly pleasures, and, displaying greater prudence and caution with the passing of years, she turned away from the world, and readily devoted herself to those things that pertained to the worship of God. Indeed, she was already preparing to consecrate the flower of her virginity to the Lord, and she hastened to do so when the religious order of the Sisters declared a vow of perpetual chastity; which she faithfully observed until her death, as we shall see later. But as Cornelius a Lapide aptly states: "Virginity is, in itself, a part of temperance, and its heroic act, elicited from the highest chastity, fortitude, and struggle, is the perfect restraint of concupiscence." But there is no clearer sign of heroic temperance than the spirit of penance, which, through the fear of the Lord and voluntary punishments, constantly restrains the stubbornness of the senses, lest anything be committed against the law of God. But Joan of Delanoue excelled so much in the study of penance, that she truly proved to be a more admirable example than one that could be imitated. And even now, among the Sisters of Providence, there is a vivid memory of the incredible sufferings that the blessed Foundress willingly endured in order to practice at the School of the Cross of the Lord; therefore, she is known among them by no other name than "La Pénitente" (The Penitent). This most profound spirit of penance was evident in the Servant of God from her earliest years; and when, after the death of her mother, she was able to arrange her life as she saw fit, she restrained her ardent desire for self-mortification by no means other than those that her confessors repeatedly prescribed. She valued internal mortification more highly than external mortification of the body, as is fitting. "No less astonishing and no less admirable was the internal mortification. It was to this that she attached the most value." Splendid signs of this internal penance are those which we have just mentioned, namely, the equanimity and patience with which the Servant of God bore calumnies, insults, curses, and even the affronts of those to whom she showed the greatest kindness. She was so far removed from being provoked by the natural fire of anger, that she was even able to pour forth more generous acts of charity. Indeed, "not only did she practice the greatest detachment from herself and from creatures, but she was also gentle and patient towards those who made her suffer, and she lavished her alms on the poor who insulted her." But the body of the Servant of God was so diligently exercised through penance,

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as is evident. She used a simple habit. When she saw that...

[*Latin ed. p. 454*]

454. According to the custom of St. Genevieve, many of the poor could not even afford clothing to cover their bodies; therefore, she resolved to dress in the most humble garments she could imagine. Thus, she wore a single, heavy, and rough tunic throughout all the years. Since, for the sake of greater mortification, she did not add an undergarment, it is easily understood how much discomfort she endured, for it can be said that for eight years, she suffered a martyrdom from lice, which devoured her. For she resolved never to remove such a tunic, not even when she took a brief sleep, and she patiently endured the daily increase in the number of lice. She also deprived herself of a bed; and when, after a day of arduous labor, she was compelled by the necessity of sleep, she lay down in a small chest, barely large enough to hold a boy of five years. Our Sister forced her poor body into this small chest; moreover, she was quite stout (corpulent) due to an edema (dropsy) which she bore with suffering and patience. And since she could not fit her poor head inside, because it was not long enough, she was forced to place a stone under her head to serve as a pillow. It is easily estimated how much pain the Servant of God, who was accustomed to suffering greatly with her head, endured through this manner of sleeping. With marvelous abstinence and sobriety, she not only completely renounced all kinds of pleasures, but also, as much as possible, restrained the natural necessity of eating and drinking. For "her temperance was heroic, like that of the Saints, reaching the degree of heroism of abstaining not only from permitted pleasures, but of sacrificing everything that is not imperatively demanded by the necessities of life." Indeed, the Servant of God observed long and frequent fasts; from the year 1691, she obtained permission from her confessor to fast three days a week, during which she took no food whatsoever; on the other days, especially from the year 1693, as Mary Laigle says, she took only one meal, which was so meager that it would be surprising if she could live, and it was also the most wretched of food; therefore, "we can very surely say that the animals were treated with more kindness than she showed to her own body." Indeed, the Servant of God sought out crumbs of bread that had been left over for beggars, and whatever no one would eat because it was too dirty, and she made a gruel for herself by adding only water to these. She also accepted spoiled food, which others rejected. As for wheat,

[*Latin ed. p. 455*]

FROM S. C. RITUUM 455, she never allowed herself bread, but had a certain type of bread made by a person from the countryside, a mixture of flour and mill sweepings, which certainly consisted only of sand. This virtue, along with the penances she practiced, which she also employed for

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the salvation of souls, seemed to benefit her health. Joan consulted the Lord in prayer, and, as she understood through divine inspiration, she would not suffer any detriment to her health from this, with God's help. Therefore, the Reverend Witness Francis Ory rightly observed: "Our Lord was pleased to make it understood that Joan's austerities came from Him, and that He miraculously sustained the life and strength of this extraordinary penitent."

CHAPTER XI. On Humility. "The Holy Spirit," says Gregory M., "the more He illuminates the hearts of the elect with the light of virtues, the more abundantly He enriches them with the gift of humility." For the noble edifice of Christian perfection naturally rests on the foundation of humility, which is the primary root of every virtue. Therefore, since true virtue cannot exist without humility, just as a plant cannot grow without a root, we can judge the extent of humility by the greatness and splendor of virtues. However, from what has been said, we believe it is sufficiently clear that Joan Delanoue excelled above all others in the adornment of virtues. Therefore, there is no doubt that she also possessed the deepest humility. But it is better to briefly mention what properly pertains to this virtue. First, the humble person has the rule of knowing oneself, so as not to strive immoderately for greatness, and not to consider herself to be more than she is. But it is difficult to find anyone who had a lower opinion of themselves than Joan Delanoue. For she considered herself the last of all creatures, and a complete nothing before God. She acknowledged herself to be the most wretched of sinners, and the most unworthy of divine mercy. "She believed herself worthy of hell, worthy to be trampled upon by demons." As for matters concerning the care of her own body, she did nothing. "She had such a great contempt for herself that she cared no more for her body than for a piece of wood and earth." Therefore, since she despised herself, no trace of vanity or pride could be found in her. For this reason, the Congregation she founded...

[*Latin ed. p. 456*]

456. From the Sacred Ritual, when she was the Superior, she wished to be called nothing other than "First Servant of the Poor." She treated all the sisters as her inferiors, and she chose one of them to whom she would give obedience as if she were the Superior. Furthermore, she commanded all the nuns, by the bond of holy obedience, to diligently observe her, to admonish her if she committed any fault, and to chastise her according to the gravity of the offense. And she carefully seized every opportunity to humble herself, so that whenever she had committed even the slightest fault, she would accuse herself before the entire community, weeping with many tears, and imploring forgiveness for the offense. Whatever happened that benefited the Institute, she attributed to the Divine Goodness, and she did not claim any part of it as due to her own efforts or diligence,

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declaring herself to be an inept instrument in the hands of the Lord. But whatever happened that was adverse, she attributed to her own wickedness and pride. As a witness: "She never boasted of the great works that she accomplished. It was God, God alone that she saw, God alone that did everything, for she was only a frail instrument; more than that, she considered herself an obstacle, and trembled before the justice of God. You would be just, O Lord, in condemning me." She said to her daughters: "It is my bad examples that lead my Sisters to fall into the faults that I reproach them for; it ill befits me to reprimand them for their pride; my actions, alas! are full of it!" Her humility made her most obedient to all, especially to the governor of her conscience, to whom she readily executed not only her commands and precepts, but also her gestures. And in order that he might experience the power of God, he often humbled her in every way, especially by frequently denying her permission to receive the Body of the Lord. But she, although she hungered daily for the Heavenly Food, nevertheless acknowledged such prohibitions to be just, and she constantly accused herself of her own unworthiness. Finally, those wonderful gifts with which she was endowed did not give her any reason for pride or to exalt herself, but rather, as the author of her life says, "they always had this effect on her, of confounding and humbling her, and at the same time inspiring in her a perfect generosity, a complete disinterestedness, and an insatiable desire to suffer and to humble herself." With these humble sentiments, she lived her entire life; and warning her Sisters, she begged them, weeping, to have mercy on her and to forgive her, for she had been a bad example to them rather than a source of edification.

[*Latin ed. p. 457*]

FROM S. C. RITUUM 457, CHAPTER XII. Concerning the safeguarding of declared vows. All those virtues which we have hitherto seen to have been present in D. F. are wonderfully completed by the observance of evangelical counsels, in which, according to the teaching of Divine Wisdom, the very summit of Christian perfection is contained. For, having vowed absolute poverty, chastity, and obedience, a man consecrates all his goods, and indeed himself, to God as a sweet-smelling sacrifice, which is the perfect operation of charity. Thus, having established a religious family, in the year 1710, Dei Famula declared those three vows, which she observed with the utmost care until the very end. Indeed, Witness I states: (Les trois voeux) she observed them with admirable fidelity. Witness XLVIII states: "These vows she kept with a rare perfection." For, as regards poverty, Dei Famula was all the more admirable in this, by how much she was naturally more distant from such a virtue. For we have seen that, if anything was contrary to the sanctity of the young Joanna, it was certainly an excessive love of earthly things, or, indeed, an excessive fear that, if she had been more generous to the poor, she herself would fall into poverty and destitution.

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But, when, having been urged by the pious Franciscans to diligently care for the business of eternal salvation, a wonderful conversion of life occurred, so that she began to fear riches, which she had previously dreaded poverty. Therefore, having quickly consumed all her paternal goods for the poor, she left only one thing for herself: trust in Divine Providence, as an infinite treasure from which she would seek daily support for herself and for the needs of her neighbors. And while she wished to be consulted with particular parsimony, especially by the poor, she herself used such food, clothing, and manner of living as clearly indicated extreme poverty, as has been mentioned above in its proper place. Therefore, Witness VII rightly affirmed: Everything that I have already said about the Servant of God shows that she was the perfect poor person. Born with a marked tendency towards avarice, she made her favorite virtue the most complete detachment from the goods of this world; she was poor in everything, and even to excess. To attract her Sisters to the love of holy poverty, she endeavored with all her might. Therefore, she also wished to have them called "servants of the poor."

[*Latin ed. p. 458*]

458 According to the rule, she used a simple diet and clothing; she did not enjoy any of her own possessions; indeed, she forbade any immovable property or perpetual revenues to be attributed to the Congregation, but only hoped for daily bread from Divine Providence for herself and her companions. She often impressed this upon the Sisters, and "repeated to her daughters that they called themselves and that they must remain the Daughters of Providence." She preserved chastity throughout her life, with complete, unblemished, and immaculate integrity. It is incredible to say how much she was tossed about by the waves of temptation during her early adolescence, until the age of twenty-five, and with what diligence did D. F. preserve the sacred purity of that lily. She shared this with the thorns of penance, watered it with a fountain of tears, and by this manifold effort, she restrained all temptations. For she truly reached a heroic level of voluntary penance, with which she mortified herself, with fasts with which she weakened herself, with prudence, by which she governed the senses of her body, so that she might temper the heat of the blood and restrain the stubbornness of the flesh. From that time, which we mentioned, until her death, she did not relent in the austerity of penance; and although she was no longer subjected to such severe temptations, she rightly thought that, as long as the enemy was present, there should be no cessation from the struggle. And thus, by the grace of God, she was always victorious in this most terrible kind of battle, and she said... "that with the grace of God, she did not believe she had committed a single fault in this delicate matter." Concerning the virtue of obedience, as we have written about S. D. on the occasion mentioned above, it seems sufficient and more than sufficient to

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indicate how religiously Joanna kept this most excellent vow. She perfectly rendered obedience to her Superiors, whom she also considered to be consulted before taking any action, having received particular illuminations from the divine light. "I may be mistaken in following my inspirations," she said, "but never in obeying." Moreover, she obeyed with all submission and alacrity, if the Superiors commanded anything that was contrary to her own plans or to the nature of her life. She was even prepared to abandon all the works to which she had devoted herself for the greater glory of God and the salvation of her neighbors, if it seemed good to the Superiors. And in order to constantly experience the fruit of holy obedience and to accumulate merit, as we have seen, she took one of the nuns, Maria Laigle, as her own, to whom, with the permission of the confessor, she would obey as if she were her own Superior; and this was Maria Laigle "from whom she always received her orders." However, she cultivated nothing more diligently in her nuns than the spirit of obedience; which she did not only through the example of her life, but also through frequent...

[*Latin ed. p. 459*]

From the Sacred Ritual, 459, he also took care to exhort them through sermons. From these sermons, we extract the words that sufficiently indicate the extent to which she obeyed. After having imparted certain salutary admonitions, she added: "Unless obedience prevents you, for it must possess you in all things." Therefore, [Witness VII affirmed: "Joan Delanoue always presented a perfect example of monastic discipline to her nuns."]

CHAPTER XIII. Concerning Heavenly Goods. The infused divine charisms and graces, freely given, as they are called, although of themselves they are not sufficient to establish the sanctity of any Servant of God, nevertheless, they are rightly held as a certain sign of sanctity. For these heavenly gifts, since they are things that can be found even in a less righteous person, nevertheless, according to the order of present providence, God is wont to adorn His servants with them even more dearly. Therefore, in Joan Delanoue, this honor of sanctity was not lacking; indeed, it was so great that it caused her great virtues to receive widespread commendation. For, as Witness Rev. Francis Ory, S.J., says, she possessed the seven gifts of the Holy Spirit in a sublime degree, and even in Joan Delanoue, all the heavenly charisms, with the exception of the gift of tongues, were discernible, which the Apostle enumerates in 1 Corinthians, chapter 12. Indeed, it was quite admirable in her, the gift of divine union, from which the other gifts of divine benevolence spontaneously flowed; which the same Witness indicated, saying: "I noticed in her this admirable wisdom of seeing everything in God and of referring everything to God." This union with God was so necessary and intimate that whatever Joan did and said, she enjoyed the inspiration of heavenly revelation. Therefore, she repeatedly said, without any shadow of simulation: "God has made me

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know such and such a thing." And Witness VII does not hesitate to affirm: "Everything that Joan undertook, whether in the natural or supernatural order, was done through revelation." An indication of this conjunction with God were the ecstasies, in which she was frequently transported into contemplation of heavenly glory. Once, separated from her senses, she remained for three days, during which time she clearly foresaw what God wished to be done with her. "The Servant of God had great raptures, of which Sister Mary recounts some, from that of three days in 1693, to the ecstasy of..."

[*Latin ed. p. 460*]

460 FROM St. C. RITUUM, concerning matters of love: "And concerning that wondrous three-day ecstasy, this vision established in her an unwavering conviction that God was calling her to the work of devotion and charity which she undertook and accomplished." Thus, God Himself showed the way to His Handmaid, which would lead to a greater glory of her name. Moreover, the remarkable gift of prayer increasingly captivated Joan daily to God. From prayer, humble, persevering, and full of faith, of which we have spoken, she drew better insights, by which she guided herself and sustained the Sisters entrusted to her in the holy endeavor. Therefore, "prayer was her great book; there she drew the lights for her personal conduct, and supernatural lights for the conduct of her Sisters." Nor did she possess a lesser knowledge infused from above. For the rules which she prescribed to be observed by the Sisters, the exhortations with which she frequently urged them to virtue, are all monuments of this heavenly charisma; for a woman, without almost any letters or education, could scarcely have written or spoken with such heavenly wisdom, unless she had been miraculously taught by the Lord of sciences. "It was through inspiration that she composed her Rule, and she imparted to her Sisters such beautiful and sublime conversations. She was but an ignorant person: how could she have spoken thus, otherwise than by divine inspiration?" She was also endowed with the remarkable gift of discerning hearts, which she used opportunely in the governance of her nuns, and also wonderfully assisted the Confessors themselves in the care of souls. Therefore, the witnesses say: "She had distinct and positive knowledge of the state of conscience of several of her daughters and of people from outside, of which her Confessor was not afraid to make use in the guidance of these souls." She also excelled in a prophetic spirit. For she foretold many things which afterwards came to pass with absolute certainty. Thus, she foretold to the Fathers of the Oratory, who were refusing to receive her and her orphans, that afterwards they would grant her a better part of the buildings; also, that the pestilential plague would afflict Salmur, except for her hospitality; also, that Mary Laigle would succeed her in the office of Superior; also, that the priest Genneteau would come to her before being sent to her; also, that she herself

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would be subjected to many afflictions of body and soul at the end of her life; all of which, as they had been foretold, were proven true. Furthermore, since Joan was so closely united with God, so that truly one spirit was between them, she became worthy to communicate the

[*Latin ed. p. 461*]

From the acts of the process, there are glories which Christ the Lord bore for the redemption of the human race. And she indeed endured this mystical punishment seven times, as Mary Laigle testified; just as the Lord Himself had promised to His handmaid. From this participation in the Lord's Passion, another gift flowed forth in D. F., namely, the gift of compunction and tears; for considering how much suffering Christ endured for the sins of men, she could not contain her tears, nor did she cease to lament her own defects and the crimes of others. Finally, she received the grace of healings and miracles. There are many, and almost countless, which she experienced, especially in the running of the hospice. Being, as she was, deprived of all means of support, she lived from day to day with her sisters, and she fed the ever-increasing throng of the poor, either through alms which she received unexpectedly, or, when alms were lacking, by miraculously multiplying money, bread, and provisions. Mary Laigle, a companion of S. D., recounts many such multiplications, and testifies: "Indeed, it was a continual multiplication, for we are very certain of all that happened in this House of Providence." With these things established, it may be inferred that all the heavenly gifts were abundantly bestowed upon Joanna Delanoue, whose life was entirely admirable, as the author of her life, M. Macé, says: "Remove the marvelous, and the life of Jeanne is utterly inexplicable."

CHAPTER XIV. Concerning the reputation for sanctity in life. Such an adornment of heroic virtues, such a splendor of supernatural gifts, with which Joanna shone, could not fail to draw men into admiration of her sanctity, and to associate a common reputation for sanctity with her. For as a man's life is, so is his reputation; and glory follows virtue as a shadow. And truly, this reputation of D. S. flourished not only among the common people, but also among grave and learned men. It spread far and wide, and gradually increased, and nothing was ever heard or said to undermine it. All these things are confirmed by the most certain testimonies. First of all, the Sisters of Providence held the sanctity of their Foundress in the highest regard. And great weight must be given to the judgment of those who intimately knew the Servant of God.

[*Latin ed. p. 462*]

462 FROM THE LIFE of St. Joan, since she lived according to the precepts of the Holy Religion, she was all the more suited to have her virtues recognized. Moreover, as witnesses attest, they revered her as a Saint. "What I

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know about this matter through tradition is that her sisters venerated her as a Saint." Her works of charity, however, so amazed everyone that they turned their admiration towards Joan. And since it is the fate of true virtue to stir up praise among the good and reproaches among the wicked, some mocked her, as has been done with all the Saints; others could not admire her enough, and everywhere people began to say, when they had the poor at hand: "Go to the Providence of Joan Delanoue." But soon, the entire city of Salmuriensis embraced Joan with almost unanimous devotion; and those who had been able to obtain pieces of her clothing preserved them as venerated relics. "The faithful held her in such esteem that, according to her first historian, they cut pieces from her clothing and kept them as relics." Furthermore, this opinion of her sanctity not only filled the diocese of Andegavensem, but also other places, and everyone celebrated the woman who was distinguished by extraordinary virtues and wonderful gifts. Not the least in praising her were eminent men of the clergy and sacred prelates, among whom we have mentioned the Most Reverend D. Poncet de la Rivière, the Most Reverend D. De Vaugiraud, Bishop of Andegavensem, and Lewis Grignon de Montfort, who not long ago was declared blessed by the authority of Pope Leo XIII. It must also be noted that, although some ecclesiastics were opposed to her (namely, those infected with the Jansenist heresy), many came to consult her; even her own confessor relied on her insights for the guidance of souls. However, this chorus of praise was at its height at the time of the death of St. Joan, as testified by the Reverend Franciscus Ory, and everyone, from the lowest of the people to the sacred prelates, praised the sanctity of Joan Delanoue with the highest praises.

CHAPTER XV. Of her death and the gathering for the funeral. Concerning the death of F. D., we do not properly inquire whether she, who lived a life so closely united with God, concluded her earthly life united with the Lord; for this is almost the case with all those who live piously.

[*Latin ed. p. 463*]

From the Sacred Rituals, 463, Augustine warns that it must be affirmed to the Christian faithful: one cannot die a bad death if one has lived well; one cannot die a good death if one has lived badly; but let us rather consider whether, at the end of her pilgrimage, Jeanne Delanoue met a precious death in the sight of the Lord, as is fitting for the saints, whose "path shines like a bright light and grows ever brighter until the perfect day." Therefore, as the Handmaid of God grew older and gradually approached her end, she also grew in charity and in all the duties of virtue. She never relaxed the austerity of penance, as if both the danger of illness and the intensity of her labors seemed to urge her on. But, being certain that, by God's grace, penance would not harm her health, she continued this way of life until her extreme old age. And she was already seventy years old when she devoted herself to fasts, vigils, and various bodily mortifications. "As Jeanne

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grew old and weakened by infirmities, she increased in fervor as her end approached; she spared nothing, neither her prayers, nor her vigils, nor her labors." At this time, illuminated by God, she received news of her impending death; she informed Marie Laigle, her companion to whom she obeyed as a superior: and in this way she understood how much she would be tested in soul and body with sorrows and pains. Afterwards, she prepared herself to fight valiantly in this imminent battle, relying above all on divine help. We note that this foreknowledge of death is to be considered among the precious signs indicating a blessed death, according to the opinion of the Doctors, and that a particular mention is made of it in the Bulls of Canonization of many Saints. And indeed, in the year of salvation 1735, in the month of September, as had been divinely foreordained, she began to be consumed by a violent fever and was tormented by a very sharp headache. Then she felt such a burning in her throat and mouth that she could find no relief in any way. She suffered from these torments for eleven continuous months until her death. And if at times the intensity of the pain caused her to express a groan, nevertheless, her steadfast constancy remained attached to the will of God; for those who, out of compassion, saw her suffering so severely, Jeanne replied to them: "It is good that God holds us thus under pressure, we need it to remain faithful to Him, which we owe Him." But what most deeply concerned and wonderfully moved the Handmaid of God was that, deprived of all taste of piety, oppressed by spiritual aridity, she fell into such darkness of mind that she seemed to be forsaken by the Beloved.

[*Latin ed. p. 464*]

464. By the custom of the Society [of the Sacred Heart], and permitted by the will of the devil. And indeed, the demon, if it had ever troubled her before, now certainly doubled its rage and temptations, suggesting to her that nothing she had done up to that point had been for the glory of God or for eternal salvation, as if she had never obeyed the counsel of her superiors, but had acted according to her own will; and therefore, that the just wrath of God and eternal punishments were prepared for her. To these most grievous assaults of the tempter, she responded by humbling herself more and more before God, and imploring the help of divine mercy for herself, the most unworthy of handmaids; but sometimes, the vehemence of such temptations was so great that she would lament with loud groans that God had abandoned her. But help arrived, thanks be to God, when Maria Laigle, reminding her of the infinite amplitude of divine mercy, added that she should not despair in that storm of temptation which she had foreseen through divine revelation. Upon hearing these words, the entire machination of the devil suddenly collapsed, and a wonderful peace entered her soul. After this most terrible and harrowing ordeal, which had tormented her for four months, she was seen to endure the daily increasing

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pains of her body with the greatest alacrity. For that deprivation of all spiritual consolation was followed by such an infusion of heavenly consolations, that during the rest of her life, Ioanna was often raised to the sweetest contemplation of divine joys, and seemed to dwell among the citizens of the heavenly homeland. On the third day before her death, when she saw the image of the Infant Jesus, which she had ordered to be brought to her, she was transported in ecstasy, and after recovering herself, she begged forgiveness for her sins and her negligence with many tears. When she began to feel ill, she herself requested the sacraments of the Church, and she received them with the greatest contrition of heart and piety. The most holy Eucharist, which she had longed for throughout her life, she received most lovingly as her *Viaticum* on the tenth day (for the law of the bishop did not permit more frequent communion). However, the rigor of the law was relaxed for D. F. by the General Vicar of the diocese, and he permitted her to be refreshed twice a week with the divine food. "This was a very great joy for this soul, eager for the Holy Eucharist, and which, for a long time, had been accustomed to daily Communion." Repeatedly, while lying in her final illness, she spoke to her sisters about the duties to be observed; and as much as she could, she governed the Institute with admirable prudence. The Witness recalls a discourse that Ioanna, dying, had with the Sisters, and recommends it, as if it were her testament, in which, she says, "there is the unity of life and of works."

[*Latin ed. p. 465*]

FROM the Sacred Ritual, 465, and the perfect constancy of the Servant of God in her faith, hope, and charity, are manifested in a striking manner. "At that time, she gave outstanding examples, not only of other virtues, but especially of humility, when she asked forgiveness from those present with expressions that astonished them; she spoke of her sins, her infidelities, her bad examples; acts of humility which she repeated on several occasions." Finally, on August 17th, in the year 1736, after having followed the prayers of the dying with the utmost devotion, she peacefully breathed her last, on a Thursday. The news of her death quickly spread throughout the entire city, and moved everyone. An incredible throng of the faithful began to gather around her sacred body, praising her virtues, extolling her sanctity, and invoking her intercession with God. The veneration of the people for D. F. manifested itself in many ways – they eagerly brought either Marian crowns or other objects to her body, so that, through that contact, they might have relics, as it were, from Joanna; they eagerly snatched up, for the sake of devotion, whatever belonged to her. This great frequency of the people's veneration meant that the funeral had to be postponed for one day, and in the meantime, the body of D. F. was exposed in the atrium of the hospice, so that there would be enough space for the multitude of visitors to show their piety. Finally, the sacred remains, with a special

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indulgence from the Bishop of Angers, were hidden in the chapel of the Sisters of Providence, and there they were religiously preserved until the year 1796. Furthermore, Witness I states: "For various reasons recounted in her life, this was not the last resting place of this venerated body, which now rests in the Chapel of the Novitiate at Saint-Hilaire, Saint-Florent." The common devotion of the people towards D. F., which was especially aroused at her death, is excellently confirmed by the accounts of those who, previously, had been detractors, and by several epitaphs that celebrate her memory. One, in particular, calls her: "The Mother of all the needy; the first of her Sisters, uniting in herself Marthe and Mary, who died in the odor of sanctity, and was already admitted into the hall of the just."

CHAPTER XVI. Concerning the fame of sanctity after death. The public fame, vehement, constant, arising from trustworthy persons and well-proven, although it never fully proves the sanctity of life, virtues, and miracles, nevertheless confirms the remaining proofs.

[*Latin ed. p. 466*]

466 From the Sacred Ritual, it is added that such testimonies strengthen the cause, and therefore serve as a complement to other proofs. This kind of proof is not only desired but is abundantly available in this case, so that Witness LXIV could affirm: "There is no reputation of sanctity more solidly and traditionally established than that of Joan Delanoue, among the Sisters of Saint Anne, among the clergy, and among the faithful." Indeed, the incredible gathering of the faithful to her funeral, from all walks of life, lamenting her death, praising her virtues, and multiplying testimonies of their trust in her patronage, as was mentioned in the previous chapter, sufficiently and abundantly indicates that this reputation of sanctity was publicly and strongly affirmed by worthy individuals. However, it remains to be proven that this reputation, in subsequent times, not only did not diminish, but rather increased day by day. For such a proof to be complete and perfect, as prescribed by Benedict XIV, it must consist of three things: first, that this common opinion of the sanctity of the Venerable One has persisted and continues to persist among the better part of the people; second, that this opinion is not due to the efforts of certain factions, but is based on the consideration of the virtues and signs of the Venerable One; third, that this reputation is truly constant and enduring, without any contradiction. Indeed, not only the better part of the people, but the entire people, marvelously agree on the sanctity of Joan Delanoue. Thus, from the Summary Tables: "Always and everywhere, she has been regarded as a saint. The reputation of Joan Delanoue's sanctity is universally known in the city of Saumur. Always and everywhere, I have heard her cited as the wonder of our country; I am convinced that if one were to consult the public, there would be only one voice to exalt the Servant of God and of the poor." The people of Saumur, in particular, are so firmly convinced

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that Joan is to be considered among the Saints and that she is to be revered as such, that when they learned that the cause for the Beatification of the Venerable One had been accepted, many considered it an insult, as if this very act raised some doubt about her sanctity: "They believe that they see a doubt about her sanctity, and they have said to me themselves: But is she not a true saint? What trial is there to be held?" Thus, the reverence and honor for the Handmaid of God did not remain within the confines of her Congregation, in which today the memory of her lives on, inspiring and encouraging her students in all virtues, but it moves the entire city of Saumur, and the surrounding people. Therefore, many go to the tomb of the Venerable One.

[*Latin ed. p. 467*]

According to the regulations of the Sacred Rites, number 467, it is customary, not only for the sake of piety, but also in order to obtain some benefit; furthermore, the ancient biography of the Saint is preserved with great reverence in many families: "Her book, as the saying goes, is kept preciously in a great number of families; her book is her first life, written by Céver." And after it was decided to introduce this cause, the one desire of all is her Beatification. In this beautiful agreement of the faithful, testifying to the holiness of Joan, it is clear that the suffrage of distinguished and important men is not desired. Regarding this, Witness VI. "All ecclesiastical or religious persons with whom I have been in contact considered her, and made me consider her, as a true Saint." And in the house of proofs of Angers, belonging to the Fathers of the Society of Jesus, among the images of many Saints, Augustine, Benedict, Francis of Sales, Ignatius, and others, the image of Joan Delanoue is seen, with the following inscription beneath it: "Joan Delanoue, Foundress and first Superior of the House of Providence of Saumur; commendable for her ingenious and universal charity towards the poor, and for her great austerities, who died in the odor of sanctity on August 16, 1736." Furthermore, the most worthy witnesses, especially from the clergy, who have been introduced and accepted in this cause, all say that they cannot sufficiently praise the virtues of the Servant of God, and they hope for her Beatification. It is blasphemy to doubt that this fame arose from the virtues of the Saint and the splendor of her signs, and not from the efforts of interested parties. Therefore, the witnesses cite her charity and other virtues as the cause of Joan Delanoue's fame; and they also recount, from her well-known miracles, things that are believable and are related of other holy men. She left behind the reputation of a Saint, especially for her incredible charity. One detail that struck me: In families, it was customary to read the lives of the Saints. One evening, when a more extraordinary life came up in the reading, my mother and I said aloud: "The paper suffers everything, is it possible to do such things?" And my father gave us this answer: "But you see here, Joan Delanoue, she did such

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extraordinary things, in the sight and knowledge of our country." I have always heard her charity and her humility especially praised; and it was said: "There will never be anyone like her." That the fame of this Servant of God, indeed, was never interrupted,

[*Latin ed. p. 468*]

468. It is clearly evident that, from the very beginning, this devotion to her has grown and has continued to persist until our own time. "Her reputation has only grown since her death." And throughout this entire period, which followed the precious death of the Lord, the piety and honor of the people towards her have always been demonstrated by suitable evidence. Thus, Witness VIII testifies to the faith of a certain former administrator of the hospital, Paul Ratouis, who loved to recount that, even as a young boy, he was taken to the tomb of the Servant of God by his great-grandmother, who had been a contemporary of Jeanne Delanoue. Similar testimony is given by Witness II, who speaks of the devotion of his grandmother, born in the year 1735, that is, before the death of the Servant of God. Also, Witness X; and Witness XVIII, who is seventy-five years old, affirms that the public pronouncements, which he has always heard about the holiness of the Servant of God, are entirely consistent with what he heard from the mouth of his grandmother, born fourteen years after the death of the Servant of God. Even during that time of turmoil in France, this reputation remained intact, and was further confirmed by the various subsequent translations of her sacred remains. The first translation took place in the year 1796, when the remains of the Servant of God were placed in the Church of Our Lady. At that time, it was seen how much she was venerated by the faithful: "The neighbors of the Providence did not want to be deprived of what they considered a precious treasure; it required a divine intervention. A violent storm favored the translation, which had been scheduled for the night, and they dared not carry it out during the day." Also, in the second translation in the year 1837, the devotion of the faithful was revealed. The suburb that had been the main theater of her charity was moved as a whole. "It was an extraordinary movement, a flood of people in the streets, all eager to see and venerate the remains of their most esteemed benefactor." The last translation occurred in the year 1881, from the Church of Our Lady to the chapel of the house of the Prince of the Congregation of Saint Plorentius, near Salmuri. A reliquary was found filled with water, which was distributed to the faithful, and it is said that it produced many miraculous healings. Finally, no one has ever opposed the sanctity of the Servant of God; not even impious men have dared to contradict it; indeed, they recall her venerable memory. "I have never heard anyone say anything bad about her, not even the impious. Even those around me who are impious find nothing to object to her beatification and find nothing more natural. Even the impious themselves venerate her."

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What more need be said? The municipal officials of Salmuri, moved by the fame of the Servant of God and, in particular, by the memory of her charity, "which has become proverbial," considered her most deserving of honor.

[*Latin ed. p. 469*]

FROM THE SACRED RITUALS, 469, they proclaimed Joan, and from her name, they named a street in the city; and the Witness XXXII adds: "I observe as a symptom of general esteem the fact, at a time when religious ideas were not very popular." And the very historian Bodin, a follower of Volaterre, praised the Handmaid of God, as a truly virtuous, generous, admirable woman.

CHAPTER XVII. Of graces and miracles after death. The widespread fame of holiness, with which the Servant of God, Joan, was endowed, is not solely due to her virtues and heavenly charisms, but also to signs and miracles, which are said to have been obtained through her intercession, and are still being obtained today. Therefore, Witness LXIV says: "I have heard of a great number of healings and miraculous graces worked in our time through the intercession of the Handmaid of God."

Among these, the following are particularly noteworthy. Sister Mary of the Holy Angel, while suffering grievously from a tibia due to a malignant tumor, was restored to health through the application of a piece of the Servant of God's shroud. Similarly, Sister of Saint Dominic recounts that she received a similar grace through the help of the Servant of God. The same nun of the Holy Angel experienced a marvelous alleviation of intolerable nerve pains, with the help of the Servant of God. Sister Mary of Saint Augustine, General Superior of the Sisters of Providence, was dangerously ill with an internal abscess, and, after imploring the intercession of the Servant of God, and having a particle of her bones placed against her side, she immediately recovered. Furthermore, through the invocation of the Servant of God, health was miraculously restored to a nun (Sister Saint Bertin) from paralysis; to Sister Mary Adolphine from scurvy; to her father from a liver ailment; to Sister Mary of Saint Henry, who had been declared ill by doctors due to a cancerous tumor of the tongue; to Sister Mary of Saint Sophia from ulcers on her head; to Sister Mary of Saint Paulina, who, after frequent vomiting of blood, was given up by the doctors; and to Sister of Saint Moses from an incurable anemia. Moreover, the Handmaid of God, being invoked, healed a boy from Bouillon who was suffering from a lung disease and meningitis. Immediately, the sight of the girl Mary Bijon was restored; a seven-year-old boy named Chaussiras, who was unable to walk, regained the ability to walk; Sister of Saint Adelaide extinguished a fire that was already consuming the building. Food was miraculously multiplied three times; money was multiplied; unexpected human assistance

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was provided.

[*Latin ed. p. 470*]

From the Sacred Ritual, 470, concerning the support of her Congregation, to which she often, and as long as she lived, provided remarkable assistance to those in need, so that the Witness, Sister XXXVIII from the Congregation of Divine Providence, testifies: "We were accustomed to being helped in everything by her." Therefore, having considered the miracles attributed to the Handmaid of God, and having spoken in the preceding chapters about her life and her actions for the benefit of the Institute, which seem to demonstrate sufficiently both the heroic virtues of Joan Delanoue and the widespread reputation for holiness, upon which the entire judgment of this matter rests; we, trusting in the best wisdom and equity of your most esteemed Order, are confident that the desired Decree will be issued by you. Indeed, this is the desire of many Bishops from Gallia; it is earnestly implored by all the faithful of Christian Gallia; it is anxiously awaited by the Cause Postulator, Father Vincent Ligiez of the Order of Saint Dominic; to whose prayers we add our most humble ones.

(Followed by) Letters from His Holiness Pope Leo XIII to His Eminence, Cardinal James Gibbons, Archbishop of Baltimorensem, concerning certain opinions indicated by the name Americanism.

"Our benevolence sends this letter to you, that same benevolence which, throughout the course of Our Pontificate, We have never failed to show to you and to your fellow Bishops, and to the entire people of America, readily seizing every opportunity, whether from the happy growth of your Church, or from your useful and righteous deeds for the protection and advancement of Catholics. Indeed, it often happens that We observe and admire the excellent character of your people, and We encourage them in their endeavors, and We strive to promote those things which benefit all of humanity and the splendor of the state.

However, this letter does not now aim to repeat the praises so often given, but rather to indicate certain things that should be avoided and corrected; for it is written with the same apostolic charity with which We have always treated you and with which We have often spoken to you, and We rightly expect that you will consider this also as an argument of Our love; and We are confident that this will be the case, because it is suited to extinguish certain contentions which, having recently arisen among you, and although not among all, certainly disturb the minds of many, to the detriment of peace."

[*Latin ed. p. 471*]

LETTER 471: My beloved Son, it has come to our attention that the book concerning the life of Isaac, particularly the works of Thomas Heekeren, which have been undertaken to be published or translated into a foreign

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language, has stirred up considerable controversies and certain invectives regarding the manner of Christian living. Therefore, in order to safeguard the integrity of the faith, fulfilling our supreme apostolic duty, and to protect the security of the faithful, we desire to write to you concerning the entire matter in a more detailed manner. Indeed, the foundation of these new opinions, as we understand them, consists of the following: that in order to more easily bring those who dissent to the Catholic understanding, the Church ought to draw closer to the human nature of the modern age, and, relaxing the ancient severity, should concede to the opinions and reasons of the people. However, many believe that this is to be understood not only concerning the discipline of life, but also concerning the doctrines by which the deposit of faith is contained. Others contend that it is opportune, in order to attract discordant wills, if certain doctrines, as if of lesser importance, are omitted or softened, so that they do not retain the same meaning which the Church has constantly maintained. Furthermore, my beloved Son, the plan conceived in this manner requires no lengthy explanation; for if the reason and origin of the doctrine are considered, as the Church transmits it, the matter is clear. The Vatican Council states: "Nor is the doctrine of faith, which God has revealed, to be presented as a philosophical invention to be perfected by human ingenuity, but rather as a divine deposit entrusted to the Bride of Christ, to be faithfully guarded and infallibly declared. That meaning of the sacred dogmas, which the Holy Mother Church has once declared, must be perpetually retained, and no departure from that meaning, either in substance or in appearance, is to be permitted (1)." Nor is it to be considered blameworthy that certain principles of Catholic doctrine are deliberately omitted and, as it were, obscured. For of all the truths that Christian discipline encompasses, there is one and the same author and teacher, the Only-Begotten Son, who is in the bosom of the Father (2). It is clearly evident from the words themselves by which Christ spoke to the Apostles (1) *Const. de Fid. cath. c. 4, (2) John 1:18.

[*Latin ed. p. 472*]

472 The Letters address this matter: "Going, teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Spirit. Teach them to observe all things whatsoever I have commanded you; and behold, I am with you all days, even to the consummation of the world" (Matthew 28:19). Therefore, the Vatican Council states: "Those things which are contained in the written word of God, or which are handed down, are to be believed with divine and Catholic faith; and those things which are proposed to be believed as divinely revealed by the Church, whether by solemn judgment, or by the ordinary and universal magisterium, are to be believed" (2). Therefore, let nothing be subtracted from the doctrine divinely transmitted, nor let any consideration whatever be passed over: for he who does this,

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rather separates Catholics from the Church, than he who wishes to transfer those who dissent to the Church. Let all return, for nothing is more pleasing to us, let all return who wander far from the fold of Christ; but not by any other path than that which Christ Himself showed. The discipline of life given to Catholics is not of such a nature as to reject all moderation, according to the variety of times and places. Indeed, the Church, by the grace of its Author, has a gentle and merciful nature; for which reason, from its very beginning, it has readily done that which the Apostle Paul confessed of himself: "To the weak I became weak, that I might gain the weak. I became all things to all men, that I might save all" (1 Corinthians 9:22). Moreover, the history of all past ages is a witness that this Apostolic See, to which, not only the magisterium, but also the supreme government of the entire Church is given, has constantly adhered in the same dogma, with the same understanding, and with the same sentiment (4); but it has so accustomed itself to moderate its discipline, that, with the divine law intact, it has never neglected the customs and reasons of the various peoples which it embraces. If the salvation of souls requires this, why should anyone now doubt that it should be done? However, it is not to be defined by the will of private individuals, who are almost always deceived by the appearance of what is right; but it must be the judgment of the Church: and all must necessarily acquiesce in it, whoever wishes to avoid the reprehension of Our Predecessor, Pius VI, who subjected the proposition of the 78th session of the Council of Pistoia, "which unjustly attributed an injury to the Church and to the Spirit of God by which it is governed," to examination, concerning the discipline established by the Church.

[*Latin ed. p. 473*]

LETTERS 473: "That it may establish, as if it could, a discipline of the Church, which it deems 'useless and more burdensome than Christian liberty.'" In the matter about which we are speaking, beloved Son, there is more danger than good in that counsel, which the promoters of novelties propose, namely, to introduce a certain liberty into the Church, so that, being somewhat restrained by power and vigilance, the faithful may be allowed to indulge more freely in their own ingenuity and active virtue. For they claim that this is required for the sake of that liberty, which, recently introduced, is almost the law and foundation of civil society. – We have spoken very fully about this in those Letters which we sent to all the Bishops concerning the constitution of states; where we also showed what difference there is between the Church, which is established by divine law, and all other associations which are governed by the free will of men. – It is therefore better to point out the opinion which is offered as an argument to persuade Catholics to this liberty. They say that, after the solemn judgment pronounced upon it at the Vatican Synod, nothing more need be feared concerning the infallible teaching of the Roman Pontiff; therefore, having

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now placed it in safety, they can open a wider field for everyone to think and act as they please. – This is a perverse way of arguing: for if reason suggests anything from the infallible teaching of the Church, it is certainly this, that no one should wish to depart from it, but rather that all should deeply embrace and observe it, so that they may be more easily protected from any private error. Moreover, those who argue in this way are very far from the wisdom of God's providence; for since the Apostolic See's authority and teaching have been affirmed by a more solemn judgment, it is because God willed it most of all, in order to more effectively protect Catholics from the dangers of the present time. License, which is confused with liberty, the license to speak and to argue about anything, and finally, the freedom to think whatever one pleases and to express it in literary forms, have obscured the minds so much that the use and necessity of the magisterium have never been greater, lest anyone be distracted from conscience and duty. – It is certainly not our intention to reject everything that is produced by the ingenuity of these times; rather, whatever is discovered in the pursuit of truth or attained in the pursuit of good, which contributes to the enrichment of the doctrine and the advancement of public prosperity, we gladly welcome. However, let it be so, that it be of solid benefit.

[*Latin ed. p. 474*]

474. He who is inexperienced, and therefore lacks discernment, ought to defer to the authority and wisdom of the Church. Let us now examine the opinions that follow, which, as they are presented, seem to be derived from what we have discussed; and although we believe the intentions are not malicious, certainly these statements will appear to lack prudence.

For, in the first place, all external magistrium [teaching authority] is rejected by those who desire to attain Christian perfection, considering it superfluous, indeed, even less useful in these times, because, they say, the Holy Spirit now pours forth more abundantly into the hearts of the faithful, and teaches them, without any intermediary, through a certain secret instinct and moves them.

Indeed, it is a grave presumption to attempt to measure the manner in which God communicates with men; for this entirely depends on His will, and He is the most free distributor of His gifts. "For the Spirit breathes where it wills" (1). And to each of us is given grace according to the measure of Christ's gift (2).

But who, considering the history of the Apostles, the faith of the early Church, the struggles and martyrdoms of the most valiant, and finally, the most fruitful ages of the most holy men, would dare to compare earlier times with the present, and to affirm that the outpouring of the Holy Spirit was less abundant in those days? But, setting aside these considerations, it is clear that the Holy Spirit excites just men and moves them through secret inspirations and impulses; otherwise, any external authority

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and magistrium would be empty. "If anyone affirms that he can assent to salvation, that is, to the evangelical preaching, without the illumination of the Holy Spirit, who gives to all sweetness in assenting and believing the truth, he is deceived by a heretical spirit" (3). However, as we have also experienced, these inspirations and impulses of the Holy Spirit are often perceived, not without some assistance and, as it were, comparison, from external magistrium. "He Himself, namely God, cooperates with the good trees, bearing fruit, who both irrigates from without and, through any minister, draws forth, and inwardly increases" (4). Certainly, this pertains to the common law, by which the most provident God, as men are often guided by men,

(1) John 5:8.

(2) Ephesians 4:7.

(3) Council of Araus, 2, canon 7.

(4) De Gratia Christi, chapter 19.

[*Latin ed. p. 475*]

LETTERS 475: Concerning those whom He desires to advance to a higher degree of sanctity, He has decreed that they be guided by human means, "so that, as Chrysostom says, 'through men we may learn about God'" (1). A most excellent example of this is found from the very beginning of the Church: although Saul, breathing out threats and slaughter against the disciples of the Lord, had heard the voice of Christ Himself and had asked, "Lord, what do you want me to do?" nevertheless, he was sent to Ananias: "Go into the city, and there a voice will tell you what you must do." Furthermore, those who pursue perfection, by very fact of entering upon a path that is arduous for most, are more susceptible to error; therefore, they are all the more in need of a teacher and guide. And this method of acting has constantly prevailed in the Church; all who have professed the doctrine have agreed, those whom the wisdom and sanctity of the ages have adorned; and those who reject it, rashly and, indeed, dangerously reject it.

3. However, to one who considers the matter carefully, even without any external regulator, it scarcely appears that the fuller influx of the Holy Spirit, which they so extol, should pertain in the opinion of the innovators. Indeed, the assistance of the Holy Spirit is absolutely necessary for the cultivation of virtues; but those who follow new paths, excessively display natural virtues, as if these are more suited to the morals and needs of the present age, and as if they adorn a man more readily and make him more prepared and stronger for action.

It is indeed difficult to understand how those who are imbued with Christian wisdom can prefer natural virtues to supernatural ones, and attribute greater efficacy and fruitfulness to them. Therefore, would grace,

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joined with nature, be weaker than if it were allowed to operate solely by its own powers? Have not the most holy men, whom the Church observes and openly venerates, proven themselves to be weak and inept in the order of nature, because they excelled in Christian virtues? But although the remarkable deeds of natural virtues are sometimes to be admired, how many are there among men who truly excel in the possession of natural virtues? Who is there who is not stirred by disturbances of the mind, and by vehement passions? These, which must be constantly overcome, as must also the entire law of preserving the order of nature itself.

(1) Hom. 1 in Inscr. altar.

(2) Acts of the Apostles, chapter 9.

[*Latin ed. p. 476*]

476 With a certain divine assistance, it is necessary to aid a man. Indeed, those acts which we have mentioned above, when more closely examined, often appear more as a semblance of virtue than as true virtue. But let us consider: if someone does not wish to run into the void and to forget the beatitude to which God benignly destines us, do natural virtues possess any utility, unless the gift and strength of divine grace are added to them? As Augustine aptly says: "Great are the virtues and the swiftest course, but outside the way" (1). Just as, through the aid of grace, human nature, which, due to a common fault, had fallen into vice and disgrace, is raised up, elevated with new nobility, and strengthened; so also, those virtues which are not solely exercised by the powers of nature, but are also exercised through the same grace, become more fruitful, and are more lasting, solid, and firm. Along with this opinion concerning natural virtues, another is closely connected, by which all Christian virtues are divided into two kinds, as they say, passive and active; and they add that the passive virtues are more suitable for past ages, while the active virtues are more fitting for the present time. Concerning this division of virtues, the matter is in the middle; for a virtue which is truly passive is not necessary. "Virtue," as Saint Thomas says, "is the perfection of a certain power; and the end of power is an act; and there is nothing else than the good use of free will" (2); with the help, of course, of God's grace, if the act of virtue is supernatural. But those who wish to adapt Christian virtues to different times alone do not remember the words of the Apostle: "For whom he foreknew, he also predestined to be conformed to the image of his Son" (3). Christ is the Master and the exemplar of all sanctity; and to whose rule all must be conformed who wish to be inserted into the mansions of blessedness. Indeed, Christ does not change as the centuries progress, but he is the same today, yesterday, and forever (4). Therefore, it pertains to all men of all ages: "Learn from me, for I am meek and humble of heart" (5); and Christ never ceases to show us his obedience even unto death (6).

(1) In Ps. 31, 4.

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(2) I-II. a. i.
(3) Rom. 8, 29.
(4) Hebr. 13, 8.
(5) Matth. 11, 29.
(6) Philip. 2, 8.

[*Latin ed. p. 477*]

LETTERS 477, concerning the age of the Apostle: "Those who are Christ have crucified their flesh with its vices and passions" (1). — Oh, how many more would cultivate such virtues, like the most holy men of former times! For they were powerful in deed and word, greatly benefiting both the religious life and public affairs, through humility of spirit, obedience, and abstinence. They were inclined to follow the evangelical virtues, which are wrongly called passive, so that religion, and even life itself, might gradually permeate their souls. And we believe this is shared by those who favor new opinions, as evidenced by certain statements concerning the vows that religious Orders observe. They say that these vows are very different from the spirit of our age, since they restrain the limits of human freedom; that they are more suited to weak minds than to strong ones; and that they are not very useful for Christian perfection or the good of human society, but rather that they hinder and harm both. — But these things are certainly false, as is clear from the practice and doctrine of the Church, which has always highly approved of the religious life. And not without reason: for those who, called by God, freely embrace it, not content with the common duties of the precepts, but eager for evangelical counsels, show themselves to be valiant soldiers of Christ, ready and prepared. Shall we consider such people to be weak in spirit? Or shall we consider the way of life that leads to perfection to be useless or harmful? Those who bind themselves with the bond of vows are so far removed from the tyranny of freedom that they enjoy a much fuller and more noble freedom, namely, the freedom that Christ has won for us (2). And as for what they add, that the religious way of life is either not at all or only slightly beneficial to the Church, besides the fact that it is offensive to religious Orders, no one will certainly believe who has studied the history of the Church. Do not your own United States owe their beginnings in faith and humanity to the religious families? One of them, recently, as a clear sign of honor to you, decided to erect a public statue. — Now, at this very time, how zealous and fruitful are the religious communities of the Catholic faith, wherever they may be! How many of them are imbued with the Gospel and strive to spread the boundaries of humanity; and they do so through the utmost dedication!

(1) Galatians V, 24.

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(2) Galatians IV, 51.

[*Latin ed. p. 478*]

478 Letters of utmost importance and grave peril! From among these, and indeed, no less from the rest of the clergy, the Christian people have proclaimers of the Word of God, moderators of conscience, and instructors of youth; and the Church, finally, has examples of all sanctity. — There is no difference in praise between those who follow an active way of life, and those who, withdrawing from worldly delights, dedicate themselves to prayer and penance. How much these latter have merited for the benefit of human society, is known to those who do not ignore that constant deprecation of justice (1) which can appease and reconcile God, especially when joined with bodily suffering. Therefore, if anyone is more determined to unite, without any bond of vows, those who are inclined to a particular way of life, let them do so; and this is not a new or improbable institution in the Church. However, let them beware lest they exalt this above the religious Orders; rather, since the human race is now more inclined to enjoy pleasures than before, those who, having abandoned all things, have followed Christ are to be held in far greater esteem. Finally, let us not linger too long; the way and method by which Catholics have hitherto used to bring back those who are dissenting, is said to be to be abandoned, and another to be adopted in the future. — In this matter, it is sufficient to have noted that it is not wise, beloved Son, to neglect what antiquity has long confirmed through experience, and which is also taught by apostolic documents. — From the Word of God, we have (2) that all should give their effort to help the salvation of their neighbors, in order and degree as each one attains. The faithful will best fulfill this duty assigned to them by God through the integrity of their lives, through works of Christian charity, and through constant prayer offered to God Himself. But the clergy must accomplish the same, through wise preaching of the Gospel, through the gravity and splendor of the sacraments, especially by expressing the form of doctrine which the Apostle delivered to Titus and Timothy. — If, for various reasons, a different way of speaking the Word of God sometimes seems preferable, namely, that it is not spoken in temples, but in a private and honorable place, and not as if arguing, but as if conversing amicably; this is not to be reprehended: but the authority for this method of fulfilling this duty belongs to the Bishops, who have previously demonstrated their own knowledge and integrity to them.

(1) James 5:16.

(2) Ecclesiasticus 17:4.

[*Latin ed. p. 479*]

LETTERS 479. We believe that among you there are those who dissent from the Catholic faith more through ignorance than through will; and it

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is easier, perhaps, to bring such individuals into the one fold of Christ by presenting the truth to them in a friendly and familiar manner. From these things which we have discussed thus far, beloved Son, it is clear that we cannot approve of those opinions which some indicate under the name of "Americanism."

If, indeed, this name is meant to signify those particular characteristics of the mind which, as with other nations, adorn the people of America; and if the constitution of your states, and the laws and customs by which you live, are not, for this reason, to be rejected, then we do not consider it necessary to condemn them. But if this is intended to mean that the doctrines mentioned above are not only to be tolerated, but also to be strengthened; then we have serious doubts, lest our Venerable Brothers, the Bishops of America, be the first to reject and condemn them, as they would be doing the greatest injury to themselves and to their entire people. This gives rise to the suspicion that among you there are those who wish to portray the Church in America as something different from what it is in all regions.

For the Church is one, united in doctrine as in government; and since God has established it with the Chair of Saint Peter as its center and foundation, it is rightly called the Roman Church; for where Peter is, there is the Church (1). Therefore, whoever wishes to be considered Catholic must, in truth, adopt the words of Jerome to Pope Damasus: "I follow no one before Christ; I associate myself with your blessedness, that is, with the communion of the Chair of Peter; I know that the Church is built upon that rock; and whoever is not with it, is scattered." These things, beloved Son, which we impart to you in a special letter, as part of our office, we will also communicate to the other Bishops of the United States; again testifying to the charity with which we embrace your entire nation; which, as in past times, has accomplished much for religion, and which, with God's help, promises to accomplish even greater things in the future.

To you, and to all the faithful of America, we impart our Apostolic blessing, with the favor of divine assistance, most lovingly. Given at Rome, near Saint Peter's, on the 22nd day of the month of January, in the twenty-first year of Our Pontificate.

LEO XIII, Pope.

(1) St. Ambrose, *In Ps.* ii, 57.

[*Latin ed. p. 480*]

480 FROM THE HOLY CONGREGATION OF THE COUNCIL OF VARSAVIA, ON MARRIAGE, dated September 10, 1898. Session 24, chapter 5, concerning the nullity of marriages. SUMMARY OF THE CASE. Charles, a Catholic man, aged 25, practicing the art of pharmacy, on February 10, 1877, with the legitimate form, married Mary, a non-Catholic woman, a girl then aged 19, but with a most unfortunate outcome;

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for although their common life lasted four years, it is asserted that the marriage remained unconsummated. But when the woman was losing her health day by day concerning this matter, she went to her mother's house and remained there, not intending to return. Then, on April 11, 1887, the Archdiocesan Consistory of Warsaw petitioned that her marriage contracted with Charles be declared null, due to the husband's impotence. The archdiocesan court duly instituted a process and, after having taken the sworn testimony of the spouses, corroborated by the testimony of witnesses from both sides, and also after an examination of both the man and the woman, and when it was certain that the marriage was unconsummated; although the man denied his impotence, the marriage was declared null on the grounds of impotence on the part of the husband, and he was absolutely prohibited from contracting new marriages. This sentence, having been upheld and confirmed on appeal, was ratified by the Apostolic Judge delegated in Lublin on February 25 (March 7), 1883. But the man, bearing the sentence forbidding him marriage with great distress, spared no effort to apply medicines to his ailing body; therefore, after a few years, he petitioned this Holy Congregation with a grievous letter, requesting that he be dispensed from the prohibition of the Church, and he presented four medical attestations favorable to him, to support his marital potency.

[*Latin ed. p. 481*]

WARSAW. 481 Since these extrajudicial testimonies were in contradiction with others that emerged during the marriage process concluded in Warsaw, the Most Eminent and Reverend Fathers, in a plenary Congregation on February 22, 1891, deemed it fitting to respond as follows: "Let it be extended, and write to the Archbishop of Warsaw, according to the intention. The intention is that he himself should obtain several sworn testimonies from suitable experts, and then transmit the proceedings to the Sacred Congregation." The Archbishop of Warsaw immediately complied with the mandates of the Most Eminent and Reverend Fathers, and an examination of Charles was carried out by three physicians, appointed by the Warsaw Tribunal, who are said to be distinguished by their knowledge and integrity, all in strict accordance with the prescriptions of the Sacred Congregation of the Council. After these proceedings were transmitted to this Sacred Congregation, and again after the matters were discussed in the general Congregations with the Summary Prayers on July 25, 1891, it was deemed fitting to respond again: "Let it be extended, and let the acts of the process be requested from the Lublin Tribunal and presented again." After seven years, the requested acts were finally transmitted from the Warsaw Tribunal.

Synopsis of the Discussion: When a marriage is declared null due to the cause of impotence, or when a dispensation is granted by the Reverend

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Father from a valid but unconsummated marriage due to the probable impotence of one of the spouses, it is customary to impose a prohibition against the party who is declared impotent, either certainly or probably, from entering into new marriages, and that in the first case absolutely, and in the second case with the condition that the matter be brought before the Sacred Congregation; "and this is based on the most holy reason established by law, so that new marriages may not be exposed to the same or a repeated probable danger of nullity, or that recourse may not again be had to a new dispensation concerning only the valid marriage."

NAPLES. Relaxation of the status of a free man, September 24, 1864. It often happens that a spouse who has been declared impotent, either certainly or probably, and to whom a prohibition has been imposed from entering into new marriages, appeals against this prohibition.

VOTUM CANONISTAE. Acts. Vol. XXXI. page CCCLXVII1. 31

[*Latin ed. p. 482*]

482. VARSAVIEN. And after presenting the proofs of his power, he should request the faculty to contract marriage. Furthermore, when a prohibition has been imposed in a case of a marriage that is valid but not consummated, the matter is easily resolved; for when the marriage has been dissolved by pontifical authority, the dissolution of the prior marriage must not be examined in any way, and when the power is proven, the prohibition is removed, even by a rescript from the Holy Office, although prayers should first be discussed in the general assemblies (Neapolitana. Concerning the status of relaxation of liberty, September 24, 1864): Nevertheless, there are examples of concessions made in the plenary Congregation, as in one case concerning marriage in Bologna, April 23, 1842. On the contrary, when a prohibition, whether expressed or even tacit, is imposed after the declaration of the nullity of the marriage under the head of impotence, the prohibition cannot be removed unless the judgment is explicitly, or at least implicitly, discussed and confirmed; nor does it impede that the judgment has been confirmed in the second instance; for, as is well known, judgments in matrimonial causes never pass into res judicata (Constitution *Dei Miseratione* of Benedict XIV, §§ cc. 7, 10, 11, concerning judgment and res judicata; canon 6, concerning the frigid and those subject to maleficium; Reiffenstuel, *lib. II*, title 15, n. 120, although he makes some limitation there). Therefore, in this case, prayers are usually presented in the plenary Congregation in writing, and they are not always discussed under the same doubt; thus, in one case concerning a dispensation of marriage in Agrigento, April 9, 1881, the following single doubt was discussed: Whether it is necessary to consult the Most Holy [Father] concerning a dispensation for a marriage that is valid but not consummated. On the contrary, in one case concerning marriage in Massena, January 24, 1778, the prayers were discussed under

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three doubts, namely: I. Whether it is established that there is nullity in the case; and to that extent, negatively; II. Whether it is necessary to consult the Most Holy [Father] concerning a dispensation for a marriage that is valid but not consummated in the case; and to that extent, affirmatively.

[*Latin ed. p. 483*]

WARSAW. 483 III. Whether Catherine Cappelli may contract another marriage in this case. I shall discuss this question under the threefold doubt; changing only the third doubt (as we maintain the title under which this case was presented in the Summaries of Appeals) as follows: III. Whether Charles may be granted permission to contract marriage. And indeed, the question is: whether Charles may be granted permission to contract marriage, which therefore requires a special discussion. It cannot be affirmed in this case, unless first his marriage with Mary is examined, and it is established that Charles is truly impotent; and, assuming that he is absolutely found to be impotent, unless the first marriage is dissolved by a pontifical dispensation, otherwise the marriage with Mary would be reinstated. Therefore, the necessity of the two other doubts. However, the formula of the first doubt does not seem to need to be changed to that which is usually used in the case of an appeal; namely: whether the sentence of the Warsaw Tribunal should be confirmed or rejected, since in this case, the sentence was not strictly obtained through an appeal, but is being reviewed through a complaint (Reiffenstuel, lib. II, title XXVII, n. 135; Sánchez De matr., lib. 7, disp. 100, n. 4). Therefore, regarding the I doubt: since the only reason for nullity consists in the impotence of the man, it must be determined whether the man truly suffers from impotence, and whether those conditions are present which are required for impotence to constitute a removing impediment. Impotence in the act of coition, and not merely in the act of procreation (which sterility does not involve, nor does it constitute an impediment), is required by natural and ecclesiastical law, in order that it be a removing impediment, namely, that it be antecedent and perpetual, which, indeed, "cannot be removed by human action without corporal danger, except by a divine miracle" (c. 3 de Frigidis; c. 6 credens eod. tit.). It matters little whether it is absolute or relative; although there were not lacking ancient Doctors, whom Schmalzgrueber refutes (lib. IV, Decret, title XV).

[*Latin ed. p. 484*]

484 WARSAW. Those who denied that a relative or respective impotence could be considered an impediment to marriage. Indeed, it is not easy to determine whether an impediment due to impotence exists, especially if the impotence is not manifest but hidden. The Doctors, particularly those of the older generation, have written more extensively about the method to be followed, according to the law of the Decretals, for proving the impediment of

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impotence; and especially concerning the three-year trial. However, since this trial has been abandoned, because in cases of doubtful impotence, the way of granting a dispensation for a marriage that is valid but not consummated is considered easier and more secure, and since the Sacred Congregation issued an Instruction in the year 1840, in which this method is prescribed to be followed in conducting proceedings in matrimonial cases, and especially in the case of impotence; concerning which case the Sacred Office also issued an Instruction that begins with "Iudex," and more is found in the other Instruction of the Sacred Office on matrimonial cases of June 20, 1833, addressed to the Eastern Bishops, and the Instruction on the "Proprietas Fidei" of 1883 concerning ecclesiastical judgments in matrimonial cases, it is unnecessary for the Doctors to express opinions, and the truth must be sought according to these Instructions. Indeed, according to these Instructions and with the Constitution observed, the process has been completed by the Warsaw Tribunal; therefore, its records are now to be examined. Furthermore, from the examination of the records, it is concluded that this case does not concern manifest impotence; for in this matter, all three experts officially appointed to examine Charles agree. Thus, Doctor Bondy, under oath in his report, which he subsequently confirmed under oath before the Judge, testified: "The examination of Charles' body shows him to be a well-formed man, sufficiently robust. In the examination of the genitals, the penis is observed to be 8 1/2 inches long and 8 inches thick. No defect was found in the conformation of the penis; the scrotum is small and tightly constricted. In the scrotum, only one testicle is present, namely the right one, of moderate size and elastic when touched. The other testicle r-

[*Latin ed. p. 485*]

WARSAW. 4-85 concerning a mobile mass in the inguinal canal. Therefore, he concludes: "The examination of Charles did not reveal anything that would allow one to determine physical impotence, for the function of the testicle alone does not exclude the power of coition and impregnation." Two other experts agree with this, except that Dr. Wojcikiewicz further adds: "The presence of only one testicle does not constitute impotence, but it can impede conception." Furthermore, beyond what has been said, he clearly understands impotence of impregnation to mean impotence of procreation, or sterility, which, as is well known, does not constitute a diriment impediment. Whether Charles secretly suffers from impotence; from the same accounts and testimonies of the experts, it does not seem possible to conclude with certainty, or at least with true probability, that he suffers from absolute hidden impotence. Thus, Dr. Markievicz writes in a sworn statement: "I cannot assert that he is unable to have intercourse with another woman," and in a sworn deposition he says: "Indeed, all of the above mentioned do not in the least allow me to definitively state that Charles

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suffers from impotence." Two other experts, although they believe that impotence is present, nevertheless derive it primarily from the fruitless four years of cohabitation, from which argument one can certainly conclude in favor of relative impotence, but not absolute impotence, especially since in this case we are dealing with a virgin woman. Thus, Dr. Wojcikiewicz says: "Based on what has been observed in the overall conformation of the body and especially of the genitals, I do not dare to definitively determine impotence; however, a persuasion arising from the conscience of the mind is that he suffers from such impotence." Furthermore, this persuasion is increased by the fact that, despite four years of cohabitation with his wife, Charles has not consummated the marriage. And Dr. Bondy, in his sworn deposition, says: "From the physical specifications noted here, I cannot definitively and certainly assert that Charles is affected by impotence in exercising the marital duty. However, the aforementioned, namely the weak development of one testicle, and the slight..."

[*Latin ed. p. 486*]

486. VARSAVIEN. The elastic tensions, defects, and inertia of one party seem to be all the more pronounced here, since for a period of several years, conjugal relations have persisted, and attempts have been made to consummate the marriage, repeatedly without success. Therefore, I would say that the then-existing defect provoked a torpor in the erection of the virile member, or impotence in the act of intercourse, which, since it originates from an organic defect, is natural, pre-existing, and absolute, and never curable. When I see the authority of Cosci (De Sep. Tor. lib. 3 cap. 2, n. 386), cited in the aforementioned case (Wladislavien. Matrimonii, June 15, 1898, etc.), as if, in the case of impotence, it should be presumed to be an impediment and therefore contrary to the validity of marriage, it will be useful to recall that this principle, so universally stated, is false, according to c. 47 De testibus et attestationibus; c. 26 De tentia et re iudicata; Sánchez lib. 1 disp. 18 n. I. The aforementioned Doctors, cited by Cosci, only make a limitation regarding the case in which the impotence is certain and it is doubted whether it preceded, etc., cf. De Iustis Ds dispensationibus matrimonialibus lib. II cap. 17 n. 18; and Sánchez lib. 7 disp. 103 n. 3, and the observations of the Reverend Defensor vinculi in the aforementioned "Wladislavien." As for Cosci himself, this author, otherwise a classic, speaks universally; but if the entire book is read, he seems to agree with the authors he cites. Now, it must be inquired whether it can at least be said that Charles suffers from a relative impotence, either with respect to a certain class of women, namely, the uncorrupted, or at least with respect to one woman, namely, Mary. Although there are serious proofs and presumptions for the existence of a relative impotence, at least with respect to Mary, and especially the proof derived from the experience in the conjugal chamber, to which one most often resorts when dealing with hidden impotence (Cosci de Sep. Tori Con.

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I. 3. cap. 2; Naples, Matr. April 24, 1858), nevertheless, with...

[*Latin ed. p. 487*]

WARSAW. It is most difficult in these cases to prove the perpetuity of impotence, so that we may, after a time, embrace the easier and safer path of a dispensation from a marriage not consummated, especially when the circumstances readily offer themselves, so that neither the woman has entered into new marriages, nor has the man attempted marriage. Therefore, concerning the proposed question, it seems to me that the answer should be: Provision will be made in the second [question]. Regarding the second question: In order that an affirmative answer may be given, two things are required, namely, that the causes for a dispensation are present; and that the lack of consummation is certainly proven. Indeed, 1. Regarding the causes; besides 1) at least a highly probable impotence, there is 2) a disjunction of souls, and, most importantly, 3) an impediment of mixed religion; for the man is a Catholic, and the woman professes the Lutheran faith, although, as it appears, a dispensation was granted when the marriage was first contracted, after having been most solemnly blessed in the temple in the presence of witnesses, and then in the parish church of the man. Finally, 4), there are two serious reasons which are presented by Charles himself in the supplication addressed to the Supreme Pontiff, concerning the salvation of the soul and the health of the body. 2. Regarding the lack of consummation; a distinction must be made between two periods, namely, from the beginning of the marriage until the pronouncement of the sentence of nullity, and from that time until the present day. However, with regard to the former period, it is entirely certain that, according to the Benedictine Constitution *Dei Miseratione* and the Instructions of the Holy Congregation of the Council, dated August 22, 1840, the lack of consummation was legally proven by the Warsaw Tribunal in the case of nullity of the marriage on the grounds of impotence. Both spouses testified under oath regarding the lack of consummation, and their testimony was corroborated by the testimony of seven witnesses, with eight witnesses added from each side, a total of 16 witnesses. After an examination of the body of Mary, with all the precautions prescribed by the Holy Congregation of the Council, she was found to be a virgin by three midwives appointed by the Tribunal itself.

[*Latin ed. p. 488*]

488 WARSAW. In the case of C., it was demonstrated by two physicians, both officially appointed, that there was indeed a lack of consummation. Regarding the second period, the matter could easily be resolved by instructing the Warsaw Tribunal to conduct a process to ascertain whether there was consummation during this period. However, the necessary expenses to carry out this process are so considerable that Charles is entirely unable to bear them; therefore, to order this would be the same as denying

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the requested grace. Hence, it must be determined whether, from the evidence available, it can be safely concluded that there was no consummation, without requiring further investigations. When the Most Eminent Prefect of this Sacred Congregation inquired of the Archbishop of Warsaw what his opinion was regarding the lack of consummation during this period, he replied: "It is known to me that Charles, from the day of the sentence, which declared his marriage with Mary to be null and void, has had no intercourse with her, nor has he lived with her as husband and wife. Indeed, according to the accounts of most trustworthy persons, the aforementioned Mary considers herself happy to be free, and she does not allow any mention to be made of a new marriage." Furthermore, in matters concerning a dispensation, the testimony of the Archbishop of Warsaw is of the greatest importance, so that further judicial investigations do not appear necessary, especially since 1) the Archbishop provides an explanation for his assertion, namely, that investigations were requested and carried out by him through trustworthy persons, and 2) his judgment is corroborated by presumptions that are not only serious, but also compelling. How can it be supposed that a man who was judged to be absolutely impotent, and a woman whose health was endangered by her cohabitation with Charles, would have intercourse? Generally, even in the Sacred Congregation of the Council, after the process of lack of consummation has been completed, the marriage is presumed to continue to be unconsummated for a long time; therefore, although sometimes, after several years, the cause for a dispensation is discussed and concluded,

[*Latin ed. p. 489*]

WARSAW. 489. Inquiries are not sought regarding the consummation of marriage, given the time elapsed since the commencement of the process. Furthermore, since it is not my place to judge, but merely to, within the limits of my understanding of the law and jurisprudence of this Sacred Congregation, explain what can be done in the event that, even now, someone should remain doubtful regarding the consummation during this period, the remedy proposed by the Sacred Congregation in the case of Guatimalen, Matrim. 25 January 1873, is always readily available, although it presented greater difficulties, as will be seen. For example. After Lewis Canal, a Spaniard, and Mary Carmela Caranza, from Guatimala, had validly entered into marriage in the parish of the woman in Guatimala, both, after several months had passed, petitioned the Guatimalan Curia to declare the marriage null, on the grounds of the wife's impotence, namely, her strictness. The Curia, after examining only three experts, of whom two had extrajudicially examined the bodies of the spouses, and the third at the mandate of the Curia itself, declared the marriage null, declaring the woman incapable of contracting new marriages; against this sentence, the defender of the marriage did not appeal in any way. Six years later, a cer-

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tain Michael Boade and Balm, who had been Lewis Canal's procurator in the marriage case, urged the Guatimalan Curia to declare Mary Carmela Carranza fit to contract marriage with himself, stating that, from his own, albeit illicit, experience, he knew of the woman's suitability for the act with him. And the Curia, after completing the process, gave judgment: "It is declared that the Lady Carmine Carranza is capable of contracting marriage with the Lord Michael Boade and Balm, and that the aforementioned sentence of 9 December 1858 remains annulled only in this part." With this sentence issued, Mary Carmela entered into a second marriage with Boade and Balm. After the death of the Archbishop of Guatimala, his successor presented a suppliant petition to the Supreme Pontiff, requesting: "that he would deign... to offer relief to the distresses, with which..."

[*Latin ed. p. 490*]

490 WARSAW. Both the Ordinary and the spouses themselves are under pressure, and finally, the man who now desires to receive the sacred orders of his first marriage. Indeed, I implore the Lord that, with apostolic sanction, everything may be strengthened in both cases.

After discussion, the matter was presented to the meetings of this Sacred Congregation on January 25, 1873, under the question: "Does it pertain to the nullity of the first or second marriage, or rather, should one consult the Most Holy [Father] for a dispensation in the first case and a remedy in the second?" The response was: "One should consult the Most Holy [Father] for the delegation of the Archbishop of Guatemala by apostolic letters in the form of a Brief, with the power to grant a dispensation concerning the first marriage, so that it may be established to him that the marriage was not consummated, and, after granting the dispensation, to enable Mary Carmel and Michael to reiterate their consent, and in the meantime, they should be separated" (1).

If only our case were considered together with the aforementioned case, it would be clear with greater evidence that the lack of consummation was proven in our case than in the case of Guatemala. Therefore, it seems to me that I can safely answer affirmatively to the second question; or at least: "One should consult the Most Holy [Father] for the delegation of the Archbishop of Warsaw by apostolic letters in the form of a Brief, with the power to grant a dispensation concerning the marriage of Charles and Mary, so that it may be established to them that the aforementioned marriage was not consummated; or more briefly: "One should consult the Most Holy [Father] for the delegation of the Archbishop of Warsaw to grant a dispensation concerning the marriage of Charles and Mary, so that it may be established to them that this marriage was not consummated.

In any case, it seems necessary to me that the response should also include the clause: "and to inform Mary." The purpose of this is to signify that a dispensation has been granted to Mary. Although, according to the infor-

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mation of the Archbishop, Mary has not entered into another marriage; nevertheless, it is necessary that she know that she is now free from the bonds of marriage (1).

(1) Recole, Vol. VII, 491.

[*Latin ed. p. 491*]

WARSAW. 491, concerning Charles, but not from the time of the confirmed judgment of the Warsaw ecclesiastical court in the second instance. Regarding the third objection. From what has been said, the answer is easily given, namely, affirmative, concerning the widow. And indeed, Charles could only be forbidden to enter into marriage to the extent that it was either certainly or at least truly probably established that he was impotent; but from the entire process, and especially from the new examination of Charles' body, as can be seen in the testimonies of experts, whose conclusions were published when the petitions were discussed on July 25, 1891, it is neither certainly nor at least truly probably established that he is impotent, at least with regard to corruptions. Therefore, a limitation is necessary with the widow; for this limitation is imposed by experts, whose duty it is to give judgment on this matter, and the petitioner himself accepts this limitation in his pleading.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE EX OFFICIO. In the year 1877, on February 10, Charles, then 25 years old, entered into marriage with a non-Catholic, Mary, who was 19 years old. The spouses lived together until the day of 1881. They testify that they fulfilled their conjugal duties as far as they were able. Indeed, Charles confesses: "During the time I lived with my wife, I endeavored to fulfill the conjugal duty once or twice a week; my wife complied with a reasonable spirit." Mary confirms this, saying: "I always willingly submitted to this duty." However, those who contend that the marriage is invalid, the wife says: "The male member lacked the strength to erect itself properly, nor was it able to enter my body; I also did not observe any semen to flow from the husband's penis." But the husband says: "Whenever I was about to have intercourse, an ejaculation of semen followed, before I introduced the member into the wife's womb." Therefore, the marriage, at the insistence of the wife, is declared invalid ex officio.

[*Latin ed. p. 492*]

492 WARSAW. The matter concerning the man's impotence was declared by the Warsaw ecclesiastical court on February 17, 1883: the judgment of the Warsaw court was ratified on March 7 of the following year by the apostolic judge delegated from Lublin. Mary is content with her situation. "The aforementioned woman," (says the Most Reverend Archbishop of Warsaw), "considers herself happy to be free, and neither requests nor desires any mention of a new marriage." On the other hand,

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Charles contends that the apparent mark of impotence has been removed, and that he is able to enter into a valid marriage. Hence, the necessity of examining three specific points. First, concerning whether there exists a nullity of marriage in this case, the testimony of six physicians, who examined Charles at the mandate of the judge, must be heard. Indeed, the physician Joseph Morkievics concludes: "All of the above-mentioned points, in fact, do not definitively allow me to state that Charles suffers from impotence; for the adhesion of one testicle in the groin does not, by itself, demonstrate impotence; therefore, in the current state of physiological science, based on what was observed in the examination, I cannot determine with certainty the degree of such impotence." The physician Edward Bondy: "The above-mentioned (says he) from the specific physical observations presented here, I cannot definitively and with certainty assert that Charles is affected by impotence, namely, the weak development of one testicle, the slight elasticity of the same, the defect and inertia of the other, seem to be even more significant, considering that for a period of several years, marital relations have been maintained, and attempts have been made to consummate the marriage, as often as without success. Therefore, I would say that this defective state of the testicles has caused a torpor in the erection, or an inability to copulate, which, since it originates from an organic defect, is a natural, antecedent, and absolute impediment, and never curable." Felix Vojcikewicz: "From the conformation of the penis, nothing certain about Charles' physical impotence can be asserted; however, the defect of one testicle in the scrotum, adhering in the abdomen above..."

[*Latin ed. p. 493*]

WARSAW. The inguinal hernia and the softness of the other [testicle] can cause weakness and a less adequate execution of conjugal intercourse. Based on what has been observed in the overall conformation of the body and specifically of the genitals, I would not dare to definitively declare impotence, but my moral conviction, stemming from the conscience, is that there is impotence. From what was discovered during the examination, it follows that it is a natural, pre-existing, and complete impotence, and it is not curable. This conviction is strengthened by the fact that, despite four years of cohabitation with his wife, Charles has not consummated the marriage.

The aforementioned Warsaw case, which relies on the wavering testimonies of archpriests, the court, and the Apostolic judge of Lublin, resulted in a sentence in 1883 annulling the marriage. Nor are the testimonies of the physicians who examined Charles in 1890 more reassuring. Alexander Biegaziski states: "Since Charles has one testicle properly developed, although the other, hidden in the inguinal canal, may not possess sexual power, therefore absolute impotence cannot be declared. However, it can

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be admitted that the presence of only one physiologically developed testicle may be sufficient to produce a certain amount of semen, which may to some extent be able to provoke erections of the penis, and therefore the possibility of intercourse with a woman, who does not exhibit great resistance, or of a probable sexual function with a woman possessing lax genitals, or who is very suitable for intercourse."

Edward Przawski says: "The conjecture that the sexual function in Charles is weak, therefore I cannot declare him to be suffering from absolute, complete impotence. A weak sexual function means that, if perhaps relatively impotent with a virgin, endowed with rigid genitals, resistant, but capable of exercising intercourse with a *vidua* [Culmore], endowed with looser genitals."

Constantinus Serzpinski states: "Based on the physical conformation of Charles's genitals, I cannot conclude that..."

[*Latin ed. p. 494*]

494. VARSAVIEN. It has been alleged that he suffers from absolute or relative sexual impotence; concerning the moral aspects of this matter, I cannot offer any definitive judgment. In agreement with the foregoing, I maintain that the opinion of the aforementioned physicians, which asserts an absolute and incurable impotence, cannot stand in its entirety, and indeed, it must be modified to the extent that, considering the reasons of a psychological nature, I believe Charles to be capable of intercourse with virgin women. I do not see how it can be concluded from the premises that there is a defect in the marriage. Regarding the second question, namely, the lack of consummation of the marriage and the granting of a dispensation, Charles must demonstrate three things: 1° the lack of consummation of the marriage; 2° a just cause for a dispensation; 3° the ability to have intercourse. Indeed, even if I were to concede that the marriage was not consummated before the year 1883, it has not been proven that the spouses have, at no time, been together and have consummated the marriage. The learned consultant unjustly believes that the extrajudicial evidence collected by the archbishop is sufficient. Furthermore, the Sacred Congregation in Valentina, or Milan, on March 18, 1732, stated: "Although a dispensation is a grace, it is not granted unless there is certainty that the marriage is only valid and not consummated; therefore, the cause for a dispensation is more rigorous and requires more extensive proof than that for a declaration of nullity." To pass judgment on the necessary cause for a dispensation, would it not be easy to consider a man of 46 years of age, who has been judged weak, to be a man of sufficient strength? Does the sanctity of the sacrament diminish to the point that a man who has already suffered a shipwreck may consider a second marriage, since sexual function is likely to occur with a woman who has lax genitals, or who is very suitable for intercourse? Given these circumstances, I humbly request that

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the aforementioned questions be reconsidered.

[*Latin ed. p. 495*]

WARSAW. 495 Regarding points I and II, negative. Regarding point III, provision is made in points I and II. Having considered these matters, the following questions were proposed: I. Whether there exists a nullity in the marriage in this case. And to this, negative. II. Whether it is necessary to consult with the Most Holy [Father] regarding a dispensation concerning a marriage that is valid but not consummated in this case. But to this, affirmative, either regarding point 1 or point 2. III. Whether it is permissible for Charles to contract another marriage in this case. RESOLUTION. After discussion by the Sacred Congregation, on September 1, 1898, the following response was given: Regarding point I, provision will be made in point 2. Regarding point 2, affirmative, with caution. Regarding point III, the question is reformulated: Whether it can be granted to Charles permission to contract marriage. Response: The Archbishop, with the necessary faculties, according to the judgment of experts, should carefully ensure that the marriage is not exposed to the danger of nullity, and should communicate with the Most Holy [Father]. FROM THE SACRED CONGREGATION FOR BISHOPS AND REGULAR CANONS: DECREE concerning the union of the Monks of Prémontré. The Most Holy Lord, Pope Leo, by Divine Providence, XIII, having considered the petition of the General Chapter of the Holy and Venerable Order of Prémontré, held in the Canonry of Plaisance, on the days of August 25, 26, 27, and 28 in the year 1896, in which the Fathers of the Chapter unanimously declared that all the Sons of Saint Norbert should form one flock under one shepherd, and having considered the desirability of a union with the Prémontré Congregation of France, which has long been sought by many members of that Congregation, and also having considered the petition of the Most Reverend Father, the Archbishop of Aquen, the Apostolic Visitor of the aforementioned French Congregation, and also having considered the report of the Most Reverend Father Dionysius, the Pro-Visitor, regarding the responses given to the individual members of the French Congregation.

[*Latin ed. p. 496*]

496 From the Congregation of Bishops and Regular Canons, after having consulted with the Professors of the Lyceum, whose opinion was duly requested, and who, with almost unanimous agreement, indicated that the proposed union should be carried out, after mature deliberation on the matter, it was decided, as the Apostolic Authority decrees, to fully and completely unite the Religious of the Congregation of Prémontré in France with the others of the Prémontré Order in other regions, so that they may constitute a single Order with them, and so that all and each of the members of the aforementioned Congregation of Prémontré shall: 1. Acknowledge the

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authority of the General Abbot and the General Chapter of the Holy and Venerable Order of Prémontré, and submit themselves to them; 2. Admit, as soon as possible, the liturgy proper to the same Order; 3. Observe the statutes of the Order, as they are observed in the Province. This Decree was ordered to be sent by His Holiness to the aforementioned Congregation of Bishops and Regular Canons. Furthermore, the same Holy Congregation of Bishops and Regular Canons, by virtue of these documents, appointed the Reverend Father Thomas Heglen, Abbot of Tongerlo, to see that the present Decree is carried out as quickly and perfectly as possible, and granted him the faculty of establishing in the Province a special monastery of Saint Michael of Frigolet, and other Prémontré houses existing in France, and also of establishing a special novitiate there, but temporarily, until the next General Chapter to be held in the year 1902, after which, having considered the results of the experiment, he shall submit to the Holy See what he deems to be definitively to be established in this matter, and a suitable Apostolic provision shall be issued. In the meantime, the aforementioned Abbot of Tongerlo shall be the special Visitor of this Province, with all the rights and privileges inherent in a Visitor, according to the Constitutions of the Order. In contradiction to anything to the contrary. Given at Rome, at the Secretariat of the Congregation of Bishops and Regular Canons, on the 17th of September, 1898. S. CARD. VANNUTELLI, Prefect. L. A. TROMBETTA, Secretary.

[*Latin ed. p. 497*]

497 FROM THE HOLY CONGREGATION OF RITES – Regarding the beatification and canonization of the venerable Servant of God, Antonia Maria Beiloni, professed nun of the Order of St. Clare.

ON THE DOUBT: Does it appear that she possessed the theological virtues of Faith, Hope, and Charity in God and her neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, in a heroic degree, in the case and to the extent of what is being considered?

The holy virgins, having renounced all earthly things, and spurning the delights of the world, have returned a message to the world, so that all may strive to emulate the life of Christ in Angelorum, and they are worthy of greater praise than those who rush headlong into ruin, through unrestrained license and corrupt morals. For they, like burning lamps in a dark place, dispel the thickest darkness, and show a certain path for the timid and the doubtful, so that they may proceed with eagerness, and for those who are wandering, so that they may be able to return to the path of justice. Among these virgins, Antonia Maria Beiloni must rightly be included.

She, of honorable birth and lineage, was born in the town of Triulza, in the region of Cotoneum, on the ninth of November, in the year 1635. From the very beginning, she was devoted to the most Blessed Virgin, and her parents, John Baptist and Elizabeth de Regibus, instilled in her, with the

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grace of this devotion, piety and every kind of Christian virtue. Moreover, she behaved so well with her parents, that she progressed, in a short time, more than could reasonably be expected from such a young age. For she, disliking idle chatter and childish follies, uniting innocence with mature prudence, and exhibiting a singular modesty and piety, especially towards the Most Holy Sacrament of the Eucharist, was seen not only to surpass her equals by far, but also to emulate the example of mature sanctity.

When she had reached the age of fifteen, the most Blessed Virgin Mary, whom she followed with such tender devotion, presented herself as a most beautiful matron to her, and is said to have spoken to her in this way: "Go, daughter, to Cotoneum, and join the nuns of St. Clare. Do not yet know the letters, for all these things will soon become clear to you." (Acts, Vol. XXXI, page 368).

[*Latin ed. p. 498*]

498 FROM THE SACRED CONGREGATION FOR RITUALS: With the desire to honor and not dare to oppose in any way the divine will, the Most Illustrious Fathers have established this account, in which the most brilliant signs of a heavenly vocation are recounted, revealed by the teaching of the Celestial Mother herself. For scarcely a month after entering the monastery, she acquired such skill in reading and writing that she surpassed the other sisters who had already been instructed. This led to the fact that, with the consent of all, she was clothed in the habit of that sacred Institute. Having perfectly fulfilled her novitiate, she pronounced her solemn vows. Then, inflamed with a greater desire to live a more holy life, she strove with ardor and constancy; in prosperity, she maintained a cheerful spirit; in adversity, she bore all things with equanimity, and, more than with words, she drew all to heavenly things by example. Abounding in charity towards the poor, she displayed a prudence surpassing human understanding, and she consoled and revived the afflicted, and she brought back to the path of virtue those who had gone astray. She so won the hearts of the nuns that, at the very beginning of her fortieth year, she was deemed worthy to be appointed superior of the Institute. In this office, she conducted herself so well that, embracing each sister with maternal love, she made the monastery a dwelling place of true evangelical perfection and peace. Although she was most devoted to the practice of penance, and did not spare herself from afflictions, nor from fasts, nevertheless, she reached a good old age. And, far from weakening with age, her divine ardor burned with even greater intensity. Consumed, as it were, by love, at the hour foretold, she breathed her last, calling upon the sweetest names of Jesus and Mary, which she always held in her mouth and in her heart, and, with a supreme expression of love, she peacefully surrendered her soul on the third of January, in the year 1719. When her body was viewed after death, her face, which had been gently smiling when she was alive, remained so: and after almost twenty

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years of seclusion in the tomb, it is said that "a saintly woman appeared, embracing the image of the Crucifix, perfectly incorrupt in every part, as if she had been buried only a few hours before." The fame of her sanctity, further increased by miracles, moved the Prelates of Insubria, and especially the Order of the Friars Minor throughout the world, to earnestly request the Holy Congregation for Rituals to initiate the cause of her beatification. Therefore, after diligent investigations were made into her life and deeds, the same Sacred Congregation began to examine her virtues. This matter was discussed three times: first,

[*Latin ed. p. 499*]

From the Sacred Rites, number 499, in the preparatory meetings held in the Cardinals' Chambers, concerning the cause of the Venerable Servant of God, Antonia Maria Beiloni, of York, on the tenth of July, in the year 1779. But, owing to the injuries of time, or rather, by the inscrutable counsel of God, a full century elapsed. Hence, another meeting was convened in the preparatory assembly for the Apostolic Palace at the Vatican, on the third of June, in the year 1890; and finally, before the Most Holy Lord, Our Pope Leo XIII, in the general assembly on the tenth of December of the following year, the Reverend Cardinal Lucidus Maria Parocchi, as Relator of the cause, presented a question for discussion: "Whether it is established that the Venerable Servant of God, Antonia Maria Beiloni, in the heroic degree, in the case and with regard to the matter under consideration, possessed the Theological Virtues of Faith, Hope, and Charity in God and in her neighbor; and also the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, together with their corresponding virtues?" The Most Blessed Father received the votes given by the Reverend Cardinals and other Fathers of the Sacred Roman Consulta, and immediately declared the decree affirming the judgment. Today, on this Sunday, in the seventieth week, after the most sacred religious ceremony held in this Vatican Hall, the Reverend Cardinals Camillus Mazzeila, Bishop of Praenestinus, Prefect of the Sacred Congregation, and Lucidus Maria Parocchi, Bishop of Portuensis and S. Rufinae, together with the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and myself, the undersigned Secretary, were present; and in their presence, he decreed: "It is established that the Venerable Servant of God, Antonia Maria Beiloni, in the heroic degree, in the case and with regard to the matter under consideration, possessed the Theological Virtues of Faith, Hope, and Charity in God and in her neighbor; and also the Cardinal Virtues of Prudence, Justice, Temperance, and Fortitude, together with their corresponding virtues." He ordered that this decree be made public and recorded in the Acts of the Sacred Congregation of Rites, on the fourth of February, in the year 1891.

C. L. CARD. MAZZELLA, Bishop of Praenestinus, Prefect of the Sacred Congregation.

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S. DIOMEDES PANICI, Secretary of the Sacred Congregation.

[*Latin ed. p. 500*]

FROM THE SACRED CONGREGATION OF RITES. Concerning the beatification and canonization of the Venerable Servant of God, Sister Mary of the Holy Euphrasia Pelletier, foundress of the Congregation of the Sisters of the Good Shepherd. At the request of the Reverend Lord Anthony Savelli, Canon of Libera, and the Postulator for the aforementioned cause of the Venerable Servant of God, the undersigned Cardinal, Prefect of the Sacred Congregation of Rites and Relator in the Ordinary General Congregation, on the date indicated, held at the Vatican, in accordance with the special dispositions of Our Most Holy Father Leo XIII, Pope, issued in the years 1878 and 1895, proposed the following question for discussion: "Whether the judgment of the Judge, the Reverend Bishop of Andegavensis, concerning the never-performed cult of the Venerable Servant of God, Sister Mary of the Holy Euphrasia Pelletier, or concerning the approval of the Decrees of the same Pope Urban VIII, should be confirmed in the case and for the purpose in question?" And the Sacred Congregation itself, after duly considering all matters, and after hearing also the voice and written opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, decided to respond: Affirmative, that is, the judgment should be confirmed. On January 3, 1899. All of the above having been reported by the undersigned Cardinal to Our Most Holy Father Leo XIII, Pope, His Holiness approved and confirmed the Decree of the Sacred Congregation of Rites, on the ninth day of the same month and year.

CAMILLUS CARD. MAZZELLA, Bishop of the Holy Roman Church, Prefect.

Praenestinus, L. S.

DIOMEDES PANICI, of the Sacred Roman Church, Secretary.

"The privilege requested by the Sodality of the Most Holy Sacrament is denied, concerning the precedence of the members of the Third Order of Carmelites in processions." The present Prior of the Sodality of the Most Holy Sacrament, located in the city of Eboli, in the Archdiocese of Salerno, established in the year 1540 by the Bull of Pope Paul III, in order that the Body of Christ might be most honorably guarded in the churches and carried in processions, recently requested from the Sacred Congregation of Rites a special Apostolic Privilege, by which the same members might precede the newest members of the Third Order of Carmelites canonically established there, in processions of the Most Holy Sacrament. After careful consideration of this matter, the Reverend...

[*Latin ed. p. 501*]

From the Sacred Rites, 501, of the Archbishop of Salernum, then the Most Reverend Prior General of the Carmelite Order, of the Ancient Observance,

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the Sacred Congregation of Rites, after carefully considering the report of the undersigned Secretary, decided that the following should be the response to the presented request: "It is not permissible, and it must be observed that the right, common to all Collegiate Orders, which always and everywhere grants precedence to those walking together, in their own habit and under their cross, over all Sodalities, according to even more recent Decrees: the Decree of May 28, 1886, Lucerna of July 4, 1887, Monopoli of March 27, 1893, Nuceria Paganorum of March 1, 1894, and Benevento of March 27 and November 30, 1897; and as in Monopoli of March 23, 1619, the same Sacred Congregation, with the reference of Cardinal Bellarmine, decreed the precedence of monks over mendicants. And thus, it responded, on February 18, 1899.

C. CARD. MAZZELLA, S. R. C.

L. SDIOMEDES PANICI, S. R. C., Secretary.

FROM the 3rd CONGREGATION FOR INDULGENCES, regarding the statutes of the pious Sodality under the title of the Reparation of the Nations of the Catholics through Adoration.

I. The pious Sodality, universal in its nature, which receives the title of the Reparation of the Nations of the Catholics through the Most Holy Sacrament, having already been canonically erected, is established in the Church of Saint Joachim in the City, as its principal seat.

II. As the administration and governance of the aforementioned Church, so also the direction, care, and administration of the pious Sodality of the Reparation are entirely entrusted to the members of the Congregation of the Most Holy Redeemer, who have as their distinguished patron and founder Saint Alphonsus Mary de Liguori, Doctor of the Catholic Church.

III. The priest of the Congregation of the Most Holy Redeemer, elected for his time as his Superior General to govern the Church of Saint Joachim in the City, will also perform the office of General Director of the pious Sodality of the Reparation, with the corresponding rights and offices.

[*Latin ed. p. 502*]

502 FROM THE DECREE ON INDULGENCES, nevertheless, in all these matters, the Director is subject to the authority of the Superiors of his Congregation, according to the laws and statutes of that Congregation. IV. The Superior General of the esteemed Congregation may appoint, at his discretion, two priests who are members of his Sodalitas, to assist the General Director, and to act as his deputies, in carrying out the affairs and activities of the pious Sodalitas of Adoration. V. It belongs properly to the General Director to establish diocesan or quasi-diocesan Directors of the pious Sodalitas in all the dioceses of the world, and in missionary lands; he signs the diplomas of election. However, for just reasons, he may entrust this

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office of signing to his two assistants. VI. The diocesan or quasi-diocesan Directors act with the General Director concerning matters that regard the utility, growth, and proper functioning of the pious Sodalitas. They shall also receive pious offerings which other faithful wish to freely contribute for the Church of St. Joachim, the principal seat of the Sodalitas, so that the acts of divine worship, and especially the Adoration, may be carried out with appropriate decorum. VII. Those who wish to join the pious Sodalitas of Adoration should consult with the General Director, if they are in Rome; with him or with the diocesan or quasi-diocesan Director, if they reside outside of Rome. VIII. In the Church of St. Joachim in Rome, the work of Adoration will be carried out through the following exercises: 1. On all Sundays and feast days throughout the year: — In the morning, at approximately the eighth hour, the celebration of Mass with the exposition of the Blessed Sacrament; after Mass, the recitation of the Lauretan litanies, "Tantum ergo," and the blessing with the Blessed Sacrament. — In the evening, the exposition of the Blessed Sacrament for as long as the third part of the Rosary is recited and the Lauretan litanies are sung, "Tantum ergo," and then the blessing with the Blessed Sacrament. 2. On all weekdays throughout the year, except during Holy Week: — In the morning, the celebration of Mass with the exposition of the Blessed Sacrament and the singing of Psalm 51, "Miserere mei, Deus"; the blessing with the Blessed Sacrament. — In the evening, the exposition of the Blessed Sacrament for three hours before sunset, the recitation of the third part of the Rosary, "Tantum ergo," and the blessing with the Blessed Sacrament.

[*Latin ed. p. 503*]

FROM S. G. INDULGENTIARUM 505 3°. On all other feast days throughout the year, except for the last four days of the greater week: — In the evening, the exposition of the Most Holy Sacrament at an opportune hour, prayers of expiation, one-third of the Rosary, the Litany of Loretto, *Tantum Ergo*, etc., and the blessing with the Most Holy. 4°. Three days before the fourth day of Lent (Shrove Tuesday): — In the morning, Mass with the exposition of the Most Holy. — In the evening, all as on other feast days throughout the year. The exposition of the Most Holy shall take place at a suitable hour, according to the judgment of the Superior. 5°. On the first day of the week of the sixth month: — In the morning, Mass with the exposition of the Most Holy Sacrament and the recitation of the Rosary of the Most Holy Heart of Jesus. 6°. On each sixth day of the week during Lent: the pious exercise of the Via Crucis (Way of the Cross). 7°. On the feast of the Body of Christ, Mass is sung in the morning; — in the evening, as on other feast days throughout the year. 8°. On the Sunday within the octave of the Body of Christ, there is a procession. 9°. The Epiphany of the Lord is held as a special feast for the Reparatory Adoration. — In the morning, Mass is sung. — In the evening, as on other feast days throughout the year

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that are obligatory. 10°. On the feast of Saint Joachim, the titular saint of the church. — In the morning, Mass is sung. — In the evening, as on other feast days throughout the year on weekdays. 11°. On more solemn feasts, which are proper to the Congregation of the Most Holy Redeemer, everything is arranged according to the judgment and the prescriptions of the Superior of that Congregation. 12°. If, at any time, given the circumstances of the year, it should seem necessary to make some change regarding the acts of the Reparatory Adoration enumerated above, the General Director shall, in each case, provide, with the consent of his Superior. IX. The order of days, assigned to different nations for the Reparatory Adoration, is established as follows: Sunday. For Italy, France, Spain, Portugal, and Belgium. Monday. For all other regions of continental and insular Europe. Tuesday. For Asia. Wednesday. For Africa. Thursday. For North and Central America. Friday. For South America. Saturday. For Oceania. X. Those who give the name of a pious Sodality, from any nation, shall...

[*Latin ed. p. 504*]

504. Concerning the Indulgences: Those enrolled in the Society, both within and outside of Rome, are granted, approximately half an hour of prayer before the Most Holy Sacrament, once a week, on the day assigned to their respective nation, as mentioned previously; or on another day of the week, if they are legitimately hindered. Those residing in the City [Romam] dedicate approximately half an hour to prayer in the church where the Most Holy Sacrament is exposed according to the manner of the Forty Hours devotion; those living outside of Rome, in any church where the Most Holy Sacrament is reserved. XI. Our Most Holy Father Leo XIII desired that what had already been decreed be confirmed, through letters in the form of a Brief, dated March 6th of the year 1883, granting the benefits of the sacred Indulgences to all those who have enrolled in the Society of Reparatory Adoration. Furthermore, He granted several other Indulgences through a Motu Proprio, dated September 6th of the year 1898. XII. A summary of the aforementioned Indulgences is as follows: I. To all and each of the pious members of the Society residing outside of the City, who, according to the statutes of the Society, devoutly visit any church in their respective region where the Most Holy Sacrament is reserved, and pray before It for approximately half an hour, provided that they perform all the other prescribed acts of piety, they obtain daily all and each of the Indulgences, remissions of sins, and relaxations of penances, which they would obtain if they were present at the Forty Hours prayer on the same days in the churches of the City (Brief of March 6, 1883), namely: A plenary Indulgence, if, truly contrite, having confessed and having received Holy Communion, they pray before the Most Holy Sacrament for approximately half an hour, as mentioned above; – A partial Indulgence of ten years and as many quarantines, as often as they are truly contrite, with a firm pur-

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pose of confessing, they visit a church and offer pious prayers before the Most Holy Sacrament for some time (Brief as above). II. To the members of the Society residing in the City, who, truly contrite, having confessed and having received Holy Communion, each week, on the day designated for them according to the established rules, or even on another day, insofar as they are legitimately hindered, dedicate approximately half an hour to the adoration of the Most Holy Sacrament in the churches of the City where the Forty Hours prayer is held, in addition to the Indulgences of the Forty Hours, a plenary Indulgence is granted once each year, on a day of their choosing (Brief of March 6, 1883).

[*Latin ed. p. 505*]

From the Decree on Indulgences, 505: To those associated with the pious Sodality of Rome, which, on each week, on a designated day, or otherwise, provided that they are not hindered as mentioned above, have spent approximately half an hour in adoration in the Church of St. Joachim in Rome, before the Most Holy Sacrament, Our Most Holy Father, Pope Leo XIII, by his own authority, on the 6th of September, in the year 1898, granted all and each of the Indulgences that would be applicable if they were performed in churches of the city, in which the Forty Hours prayer is held.

3°. Furthermore, on the same day, the 6th of September, 1898, His Holiness granted a seven-year Indulgence, and seven partial Indulgences, to all the Christian faithful, whenever they devoutly attend in the same Church of St. Joachim, for any of the pious works expressed in number VIII of the present Statutes. Moreover, Our Most Holy Father, Pope Leo XIII, granted perpetually a Plenary Indulgence to all the Christian faithful on the feast day of St. Joachim, provided that, being penitent, they have received the Sacrament of Confession, and visit the Church of St. Joachim in Rome, and there pray for the exaltation of the Catholic Church, and according to the wishes of the Supreme Pontiff (6th of September, 1898). All and each of the aforementioned Indulgences are applicable to the deceased.

Our Lord Pope Leo XIII, who in his Motu Proprio, dated the 20th of July of the current year, had already decreed that he would enact laws to govern the pious Sodality under the title of "Adoration for the Reparation of the Catholic People," canonically erected in the Church of St. Joachim in Rome, in an audience held on the 6th of September, 1898, before the undersigned Cardinal, Prefect of the Sacred Congregation for Indulgences and Sacred Relics, after hearing a report on the Statutes for the aforementioned pious Sodality, prepared at the order of the same Holiness, ordered that the aforementioned Statutes be approved, along with the attached summary of all the Indulgences with which the same pious Sodality has been endowed up to now by the same Holiness. Therefore, the aforementioned Sacred Congregation, complying with the order of Our Lord, by the present Decree, approves the Statutes of the aforementioned Sodality, as they are presented in

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the preceding document, and commands that they be observed by all those associated with the same Sodality, and by those who will be associated with it in the future; also, it recognizes as authentic the aforementioned summary, now for the first time excerpted from the document.

[*Latin ed. p. 506*]

506 From the Sacred Congregation, permission is granted to print indulgences and to distribute them. Contrary decrees notwithstanding. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 19th of September, 1898. FR. HIERONYMUS M. CARD. GOTTI, Prefect. L. © S. f ANTONIUS ARCHIEP. IOSEPHUS M\ ANTINOEN., Canon, Secretary. COSELLI, Substitute. FROM THE SACRED CONGREGATION OF THE HOLY ROMAN CHURCH, CONCERNING THE INQUISITION: A doubt regarding the priestly ordination in which the Bishop, while reciting the form of the prayer, did not hold the hand raised above those being ordained. Most Blessed Father, In the first months of my episcopal ministry, I held the first ordination of four priests of my Diocese. During the sacred rite, after having made the first imposition of hands with the presbytery upon those being ordained to the priesthood, I continued the prayer "Oremus, brethren, dearest," without further extending my right hand, as is prescribed, and this was due to inadvertence. Upon returning home and being informed of the matter, I immediately presented the case to my confessor, a learned religious, and together we consulted the work on Moral Theology of Father Agostino Lehmkuhl, S.I., Vol. II, on the Sacrament of Orders. In essence, we found the case that occurred to me and presented in the following decree of the Holy Office to be completed: "From the Decree of the Holy Office of the 16th of September, 1877, the Fathers judged as follows: The doubt proposed to us concerning the validity of the ordinations conferred upon certain priests of this Diocese, when the Bishop, having pronounced the prayer "Oremus...," as prescribed in the Roman Ritual, did not extend his hands further above the heads of those being ordained, was reviewed by the Eminent Fathers, together with the General Inquisitors, who, with regard to the ordinations already performed in this manner, decreed: 'It is to be approved.'"

[*Latin ed. p. 507*]

From the Sacred Congregation [for the Holy Office], 507. After this consultation, the learned confessor said to me repeatedly, and at long intervals of time: "Remain tranquil, the ordination is valid." Thus, I passed several years in peace. However, these days, having read the decision of the General Congregation of the Sacred and Universal Inquisition, given by the Most Eminent and Reverend Cardinals on July 6, 1898, which does not agree with the previous response, that is, of September 16, 1877, I prostrated myself before Your Eminence, and humbly requested a declaration

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as to whether, based on this later decision, I should repeat the ordination under condition, or whether I should abide by the first decision. The following was decreed: "It is to be approved." The Most Reverend Bishop N. N., Thursday, November 30, 1898. In the General Congregation of the Sacred and Universal Inquisition, held by the Most Eminent Cardinals concerning matters of faith and morals, with the General Inquisitors present, after the aforementioned requests were presented, and after the vote of the Consultors, the same Most Eminent and Reverend Fathers ordered that the following be written: "If, after the physical imposition of hands on the heads of the candidates for ordination, the Bishop has extended his hand over the candidates, at least immediately before the recitation of the 'Oremus,' then the ordination is certainly valid, as stated in the Decree of the Holy Office, session IV, September 12, 1877 (1). However, if this extension of the hand has not been made immediately before the recitation of the 'Oremus,' then the ordination must be repeated secretly and under condition, on any day, with the words spoken, so that it may also serve as a safeguard for the treasure of the Church concerning the Masses celebrated up to this point." On Friday, December 2nd of the same year, during the usual audience granted by the Reverend Father Assessor of the Holy Office, after I had reported all of this to the Most Holy Father Leo XIII, the Most Holy Father approved the resolution of the Fathers, and gave thanks. I. CAN. MANCINI, Notary of the Sacred and Universal Inquisition. (1) See the aforementioned decree of September 12, 1877. "The Bishop N. N., in the last and second to last ordinations of priests, after having, according to the Pontifical, imposed both of his hands upon each of the candidates, without saying anything, then, standing in the middle, he held his right hand extended, until the other priests had imposed their hands upon each of the candidates. Then, and this is the cause of the orator's doubt, as the prayer 'Oremus' began, the orator saw that the Bishop's hand was not extended over the candidates as required by the Pontifical, but was extended before him, as is done in other prayers."

[*Latin ed. p. 508*]

508 FROM THE SACRED CONGREGATION OF THE INQUISITION: A QUESTION regarding the presbyteral ordination in which the Bishop, reciting the form of the prayer, did not always maintain his hand raised above those being promoted to the Sacred Orders.

Most Blessed Father, Bishop N. N. in the ordination of priests omitted the extension of his right hand over the heads of those being ordained when he began the prayer "Let us pray, most beloved brothers, etc.," as is found in the Pontifical. Having been reminded by the assisting subdeacon, he extended his hand afterward. However, the Bishop, the celebrant, does not know whether he began the aforementioned prayer anew, or whether he merely completed the prayer that had already begun. It seems probable

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to him that he began the prayer anew, because the celebrant confesses to being very anxious; however, the assisting Deacon and Subdeacon cannot provide a certain testimony to this effect.

The question is: I. Whether the ordination is valid. And, if not, II. What course of action should be taken to remedy this defect. And God, etc. Thursday, November 30, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, General Inquisitors for the matters of faith and morals, after the aforementioned questions were proposed, and after the vote of the Most Reverend Consultors was heard, the same Most Eminent and Reverend Fathers ordered that a response be written: "Let it be so." On Saturday, December 2 of the same year, during the usual audience granted to the Reverend Father Assessor S. O., after all these matters were reported to the Most Holy Lord N. Leo, of Divine Providence, Pope XIII, the Most Holy resolution of the Most Eminent Fathers was approved.

I. Canon Mancini, Notary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 509*]

FROM THE SACRED INQUISITION, 509. DOUBT concerning the intention, revoked due to scruples, at the time of ordination.

Most Blessed Father, Titius, a priest of the Diocese of N., has presented to me the following doubt concerning the validity of his ordination, which took place in the year 1875: "During the ceremonies of the Ordination, I revoked the intention of receiving the sacrament of Holy Orders; however, before the words 'in fine' of the ceremonies: 'Receive the Holy Spirit, whose sins you remit, they are remitted; whose sins you retain, they are retained,' I renewed the intention of receiving the order, with the condition that if any part of the ordination is valid, then I also wish to validly receive this final part."

"Now, after so much time has passed, I am no longer certain of the moment at which I performed this suspension of intention; I cannot state with certainty whether I did so after the unction of hands, or after the offering of the chalice and paten. A long time has passed since the ordination (in the year 1875), and a great disturbance of the mind arose from scruples. However, I believe that the suspension of intention occurred even after the joining of hands."

"The reason for which I suspended the intention was that, according to my judgment at that moment, I did not participate sufficiently in the ceremonies. My mind was disturbed about this matter, and it occurred to me that I might not be able to validly receive the remaining part of the ordination. I suspended the intention, so that, as I thought, I would not commit sacrilege."

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"What I believed to be a lack of sufficient participation, as far as I can remember, was either that I did not pronounce the word 'Amen' at the time of the unction of hands, which the one being ordained should respond to, or that I was unable to touch the chalice at the time of the offering of the chalice and paten; or that both of these defects occurred."

Titius has already presented these doubts to my predecessor, the Most Reverend Bishop N. N., on two occasions, and on each occasion he received a response that seemed to satisfy him.

However, now that Titius is again tormented by new doubts concerning a matter of such importance, I do not feel that I can definitively pronounce a judgment on the matter. Therefore, with my own authority, and for the sake of Titius, I humbly implore Your Holiness to intervene.

And so I write.

The Bishop of N. N.

[*Latin ed. p. 510*]

510 FROM THE SACRED CONGREGATION OF THE INQUISITION, Thursday, November 30, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by His Eminences and Reverend Lords, Cardinals, General Inquisitors for matters of faith and morals, with the aforementioned requests presented, and after the vote of the Reverend Consultors, the same Eminences and Reverend Fathers were commanded to respond: Concerning a mere scruple, let it be accepted. Subsequently, on Friday, December 2 of the same year, during the customary audience granted to the Reverend Father Assessor, a report on all of this was presented to the Most Holy Lord N. Leo, Divine Providence, Pope XIII, and the Most Holy resolution of the Fathers was approved. I. C. A. N. MANCINI, Notary of the Sacred Roman and Universal Inquisition. DOUBT concerning a baptism administered by means of anointing upon the forehead. Most Blessed Father, the Bishop N. N., prostrate at Your Holiness' feet, presents the following case, and asks what is to be considered theoretically, and what is to be done in practice. After the recent death of the priest N., the parish priest of the place N. in this diocese, it was discovered by certain testimonies that for many years he had administered baptism to children not by immersion, but by means of anointing on the forehead with the thumb in baptismal water. It is impossible to say how many children and how much water were thus baptized: many are now adults; many have gone to other regions; many are already dead. What is to be considered regarding the validity of this baptism, and what is to be done in practice concerning those thus baptized? Thursday, December 14, 1898. In the General Congregation before His Eminences and Reverend Lords, Cardinals, General Inquisitors for matters of faith and morals, with the aforementioned doubts presented, and after the vote of the Reverend Consultors,

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the same Eminences and Reverend Fathers were commanded to respond:

[*Latin ed. p. 511*]

From the Sacred Congregation of the Holy Office: It is to be taken care that those who have been baptized privately are baptized again, under the condition that only the matter be used with the form, without ceremonies, and with understanding. — "Special attention should be given by the Bishop to those who were baptized in the manner described, and who were subsequently promoted to the sacred orders." On the following Sixth Day of the week, the 16th of the same month and year, in an audience granted by the Most Holy Lord Pope Leo XIII, Pope, and the Most Reverend Fathers, Assessors, the Most Holy Lord approved the resolution of the Fathers. I, Canon Mancinelli, Sacred Roman and Universal Inquisitor, Notary.

A Doubt: Whether affinity arising from an illicit union, contracted during a time of infidelity, impedes marriage after baptism.

Most Reverend Father, the Apostolic Prefect N. N., prostrate at the feet of Your Holiness, reports that Andrea M., formerly a gentleman, and then converted and baptized, wishes to marry N. N., a neophyte about to be baptized. This N. N., however, was the second wife (and therefore illegitimate) of the father of Andrea, now deceased, who, during his infidelity, had five wives, the first of whom is still living. Furthermore, this same N. N., after the death of Andrea's father, was the illegitimate wife of the brother of the aforementioned father of Andrea; and moreover, she had been the illegitimate wife of Andrea's grandfather. The Apostolic Prefect, therefore, humbly requests a dispensation so that Andrea M. may marry N. N., and he also requests the usual dispensation for other similar cases.

Thursday, December 14, 1898. In the General Congregation held before the Most Reverend and Most Reverend Lords, Cardinals, Inquisitors General for the Faith and Morals, concerning the aforementioned case, after all the circumstances had been duly considered, and after the vote of the Most Reverend Consultors had been heard, the same Most Reverend Fathers decreed: If both parties, who are related by affinity during a time of infidelity, request to be joined in marriage after receiving baptism, application must be made to the Most Holy [authority] for a dispensation.

[*Latin ed. p. 512*]

512 FROM THE SACRED CONGREGATION OF THE INQUISITION: Concerning the habitual power to grant dispensations in similar cases, the Apostolic Vicar should exercise, if he possesses them, the powers of granting dispensations concerning impediments that are impediments. Furthermore, on the following Saturday, the 16th of the same month and year, in an audience granted by His Most Holy Father, Pope Leo XIII, to the Most Reverend Fathers, Assessors, the Holy Fathers approved the

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resolution of the Eminents and Reverends, and granted the requested grace. I, Canon Mancini, Sacred Roman and Royal Inquisitor, Notary. FROM THE SACRED CONGREGATION OF THE INDEX: On Friday, December 15, 1898. The Sacred Congregation of the Most Eminent and Reverend Cardinals of the Holy Roman Church, by the command of His Most Holy Lord, our Pope Leo XIII, and the Holy Apostolic See, concerning the Index of books of pernicious doctrine, and their condemnation, proscription, expurgation, and permission throughout the Christian Republic, having met in the Apostolic Palace at the Vatican on December 15, 1898, condemned and condemns, proscribes and proscribes, or orders that the following works be referred to the Index of prohibited books: *Katholische Dogmatik*, in six books, by Herman Schell, Doctor of Theology and Philosophy, Professor of Apologetics at the University of Würzburg. Paderborn, Ferdinand Schöningh, 1889-1893. *DiegöttlicheWahrheitdesChristentums*, in four books, by Dr. Herman Schell, Professor of Apologetics at the University of Würzburg. Paderborn, Ferdinand Schöningh, 1895-1896. *DerKatholicismusals Princip desFortschritts*, by Dr. Herman Schell, Professor of Apologetics and currently Rector of the University of Würzburg. Würzburg, Andreas Göbel, 1897. *Die neueZeitund der alte Glaube. Eine culturgeschichtliche Studie* by Dr. Herman Schell, Professor of Apologetics at the University of Würzburg. Würzburg, Andreas Göbel, 1898. Duggan, Jacobus, Author of the work entitled *"Steps towards Reunion"*, prohibited. Decree of September 1, 1898, he commendably submitted himself and the work was disapproved. Zürcher, George, Author of the work entitled *"Monks and their decline"*, prohibited. Decree of September 1, 1898, he commendably submitted himself and the work was disapproved.

[*Latin ed. p. 513*]

513 Letters from His Holiness Pope Leo XIII to the Mother Superior and all the Sisters of the Order of Charity, on the occasion of the celebration of the centenary of the founding of their Institute.

Beloved Daughters, greetings and the Apostolic Benediction. From the letter you sent to Us, filled with obedience and devotion, We have learned how eagerly and piously you intend to celebrate the centenary of your Institute. It is a duty well performed, and pleasing to God! For it was the benevolent grace of God that has always been with you, so that not only have you increased beyond all expectation, but, which is more important, your work has been most pleasing to religion and to society. Therefore, We, who know well how devoted you are to the education of young girls and to the care of the poor of every kind, wish to increase your joy with Our congratulations and Our praise. May you, beloved Daughters, have a witness to the divine gifts and to Our paternal benevolence, and may you receive the Apostolic Benediction, which We bestow upon you with the

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greatest affection.

Given at Rome, near Saint Peter's, on the eighth day of April, in the year one thousand eight hundred and ninety-nine, in the twenty-second year of Our Pontificate.

LEO XIII, Pope.

FROM THE HOLY CONGREGATION OF THE COUNCIL OF SYPONTE.

Precedence.

September 10, 1898. Session 25, chapter 13. Concerning Rules and Regulations.

In the town called Saint John Rotundo, in the Archdiocese of Sypontinae, several associations have been established; and there have been frequent discussions regarding these associations. The Archbishop considered that these matters would be settled if the decrees of the Royal approval, or what they call the "Exequátur," for each association were brought to light and made public.

COMPENDIUM FACTI. Volume XXXI. Page CCCLXIX.

[*Latin ed. p. 514*]

514. The royal authority had granted privileges to both confraternities. Therefore, since one was older and possessed a stronger claim by right of precedence, one confraternity held precedence over the other, according to the order of their founding. Based on this criterion, in the year 1893, the Archbishop decreed that the Confraternity of the Most Holy Sacrament should have precedence over the confraternity dedicated to the Seven Sorrows of the Blessed Virgin Mary. With the passage of time, a confraternity called the Confraternity of Purity arose, claiming precedence based on its earlier obtaining of royal approval. When the Ordinary, after examining the documents, found this to be true, he granted precedence to the confraternity that had requested it; however, the confraternity of the Most Holy Sacrament received the decision with great displeasure. Therefore, this confraternity, not complying with the Bishop's decrees, was subject to the sentence of interdict that the Archbishop had issued against those who disobeyed; but it instituted an appeal to the Sacred Congregation of the Council. The advocate, who defended the confraternity of the Most Holy Body of Christ, in his arguments, first pointed out that, in such matters, the Constitution of Gregory XIII, *Exposcit*, of July 15, 1583, should be kept in mind. From this, all authors infer that the primary title to precedence is based on a quasi-possessive right, while antiquity of origin is a secondary consideration; thus, among confraternities in dispute, the one that has customarily held precedence should prevail; otherwise, if this cannot be established, the older one should prevail. According to the advocate, these

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points were sufficient to abolish the archiepiscopal decree. Furthermore, the advocate confidently stated that he would easily demonstrate that the confraternity of the Most Holy Body of Christ was due precedence, both by the quasi-possessive right and by the antiquity of its origin. First, the advocate demonstrated the quasi-possessive right, through the testimony of the Archpriest. And although the opposing confraternity presented four witnesses who testified before the Syndic, the matter concerning the rights of the CONFRATERNITY OF THE MOST HOLY SACRAMENT.

[*Latin ed. p. 515*]

SYPONTINA 515 having preceded, the advocate for these witnesses argues that the testimony of the witnesses cannot be refuted; furthermore, because these witnesses are affiliated with the opposing society, and their affairs are somehow involved, and because the parish priest, as a qualified witness, claims a far greater authority for himself. And even more so, other witnesses are present, numerous in number, distinguished by their integrity, venerable in age, who have most clearly confirmed what the parish priest asserts. Moreover, he has indicated, without ambiguity, to whom one should listen, having received testimony from both sides. For he called the documents produced by the Society of the Most Holy Body of Christ "honest and worthy of faith," stating, "I certify the depositions of these individuals as being thoroughly honest and worthy of faith." But he could not assert the same about the witnesses of the opposing society, stating, "I certify." Then, the advocate says that it is superfluous to discuss the antiquity of Orense. Nevertheless, he initiates a discussion on this topic as well; and he proves that the Society of the Most Holy Body of Christ was founded long before the Society of Parity. Among the documents, he recalls, above all, that in the beginning of the year 1729, an inventory of the assets with which the society flourished was renewed; because some confusion of revenues had arisen due to the antiquity of the society: which, indeed, no one would believe if the society had existed for only eleven years. He then adds that, in previous centuries, the Society of the Most Holy Body of Christ was frequently mentioned in archiepiscopal decrees; and that, not rarely, it was a wealthy and flourishing society, burdened with considerable contributions for the benefit of the Church. To this, the Archbishop Ursinus, Cardinal of the Holy Roman Church (who later ascended to the papacy as Benedict XIII), commanded that a sum of money be contributed from his own funds when a new church was to be built in the town in the year 1678: "The sum, as it shall be determined, we order to be received from here, namely: from the confraternities of the Most Holy Sacrament of Saint Mary of Mount Carmel (Haifa) and of Saint John the Baptist..."

[*Latin ed. p. 516*]

516 In Manfredonia, even cattle donated by the faithful, which have mul-

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tiplied to the number that exists today, we ordered to be sold, because it was determined that this would be more to our detriment than to our benefit... Immediately after the publication of the aforementioned decree, as described above, Mauritius, the Prior of the Monte di Pietà of Florence, and Jerome, the Prior of the Confraternity of the Most Holy Body of Christ, were summoned there, "to whom the aforementioned decree was duly notified." At approximately the same time (1678), the Archbishop also imposed a tax on this Confraternity for the erection of a Seminary, and he carefully defined the rules that should be observed in its administration (1676). Fifty years prior, the Archbishop mentioned this very Sodalitas in a visitation report: "On the 13th of November, 1630, the Most Reverend and Reverend Monsignor Horatius Annibalis De Molaria, Archbishop of Manfredonia, desiring to follow the prescriptions of the Holy Council of Trent, initiated a Holy Visitation in the city of Gargano, and visited the chapel dedicated to the Most Holy Sacrament, where the Confraternity of the same Most Holy Sacrament is present." It is also noted that, as the advocate pointed out, this information is derived from an inventory of assets, which the members of the Sodalitas, as mentioned, renewed in the year 1729, in order to avoid confusion of revenues. Indeed, numerous instruments are recorded, by which the Sodalitas received gifts from the faithful in ancient times. For example, Andrew Di Berardo bequeathed a certain plot of land, planted with olive trees, to the Sodalitas on November 17th of the year 1655 (records of the Notary Tortorelli); another was purchased in 1647 from Horatio Carbone (records of the Notary Tortorelli on January 28th); and another was received in 1609 from Charles Anthony Dragana in exchange for payment (records of the Notary Dello Bianco on February 17th). The Magnificent Municipality of the town, favoring this very Sodalitas, established two taxes on its assets, one in 1599 (records of the Notary Tortorelli on October 6th), and another in 1588 (records of the Notary Hercolini on May 29th); and it began to pay 34 ducats, resulting from a transaction initiated in 1662 (records of the Notary Dello Bianco on July 28th).

[*Latin ed. p. 517*]

SYPONTINA 517 annually. This claim is supported by the historian Sarnelli, according to the advocate; for when he enumerated the sodalities existing in the town in the year 1678, he certainly mentioned the sodality of the Most Holy Sacrament, which existed at that time; but he made no mention of the sodality of Purity, which had not yet been established. Therefore, to refute the objections, the advocate proceeds to a point: the first of which is based on the affirmation of the Archbishop, who testified that the present sodality is different from the ancient one: for the former ceased to exist around the year 1730; while another, some years later, was established in its place, which received royal approval in the year 1776. He believes that this affirmation, being a bare affirmation without any proof

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whatsoever, can easily be refuted. Indeed, to demonstrate that the sodality of Purity had superseded the opposing sodality, it would not only have to demonstrate that the ancient sodality had ceased to exist, but also that it had ceased to exist due to the fault of its members, so completely that no trace of the defunct sodality would remain in the intervening period. For, as the authors agree, if a sodality ceases to exist, either without the fault of its members, or at least not so completely that no traces of the sodality are found in the intervening period, the restored sodality recovers, as if by right of succession, the privileges of the ancient one. Let the Roman Rota be heard, which in the case of Andrien, *Praeeminentiarum super bono iure coram Aldrovando* (February 17, 1710), clearly confirmed this opinion: "Regarding the aforementioned revival, it was established that the abandonment of the Confraternity had occurred due to the fault of the confreres; therefore, by the revival of the same Confraternity, whether material or formal, the original rights, prerogatives, and privileges do not revive. But if the Confraternity ceased to exist due to an involuntary cause, such as misfortune or plague, then, on the contrary, the same Confraternity or collegium, as if by right of succession, would recover all the honorary rights and prerogatives with which it had previously enjoyed, according to the teaching of Bartoli in 1. fin. n. 24, D. de Coli, etc." To completely refute this exception, the advocate endeavors to demonstrate that the sodality, from the year 1730, in which it is said to have ceased to exist...

[*Latin ed. p. 518*]

518. It is certain that the confraternity existed until the year 1750, when the Bishop's decree remained in force, indeed until the year 1776, when it was approved by the King, and flourished as it had done before. This is demonstrated by the inventory of goods, of which mention has already been made. Firstly, since this inventory was renewed in the year 1729, no one will believe that the confraternity ceased to exist after that year; nor is there any mention of its cessation in the inventory, in which are faithfully recorded the acquisitions and sales made by the confraternity from that time until the year 1808. Secondly, in the same inventory, several documents are found which refer specifically to this period (1730-1770). And finally, both from the same inventory, which is diligently preserved in the confraternity's archives to this day, and from the very fact of its existence, which no one can deny, the lawyer concludes that the confraternity today possesses the same goods which were possessed by the ancient confraternity, even until the enactment of the laws that abolished it. This would not have been the case if the confraternity were different from the ancient one; for the restored confraternity could have no right to the goods of the ancient confraternity, which the Bishop would certainly have assigned to other uses after its suppression. All of this is confirmed by the lawyer's book of records, which was renewed in the year 1784, and which constantly

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refers to the ancient confraternity, which began in the year 1500; and finally, the lawyer Francis Nardelli, whom we mentioned a little earlier, testifies to the authority that confirms that the confraternity today is the same one that existed in ancient times. If, therefore, the Archbishop were to urge the confraternity today to no longer reside in the parish church, where it was originally founded, but to perform its functions in the church of Saint Catherine, the lawyer would not deny this change of location; but he would deny that, even if the Archbishop were to desire it, the confraternity today is not the same one that existed in ancient times. Firstly, if the confraternity performs its functions in another church, it certainly retains its ancient seat in the parish church. For there...

[*Latin ed. p. 519*]

SYPONTINA 519 members and others who belong to it are received: on solemn days, members gather there, and they depart when processions are arranged, just as the Parish Priest demonstrates his faith. The others, however, are subject to the Parish Church of Saint Catherine, and this is because, as tradition says, the Chapter decided that the functions of the sodality should not interfere with the functions of the Chapter. Regarding the others, the advocate, in order to expedite matters, presents a few points. For, according to him, the Archbishop objects to the sodality of the Most Holy Sacrament, alleging that he had granted precedence to the sodality of the Seven Sorrows over the sodality of the Most Holy Sacrament, and that therefore the former should not make any claim. But the sodality of the Most Holy Sacrament, knowing itself to be older, could not appeal against the decision, even though it observed that what was granted to it was not due to a true reason, but to an erroneous one. Furthermore, a passage from a certain agreement is invoked, which was produced in the records, dating from 1787, between the sodalities that are now contending, whereby it was agreed that, in alternating years, the sodalities would have precedence, with the understanding that the precedence of the Confraternity of the Most Holy Sacrament would be maintained in processions held in honor of the Divine Sacrament. The advocate replies that, since the testimony of the parish priest, confirmed by the testimony of older people, clearly states that the sodality of the Most Holy Body has consistently preceded the others in our time, it must be held that either such an agreement never existed, or, if it did exist in writing, it was never put into effect. In this case, an agreement cannot prevail over a continuous precedence that has lasted for at least ten years (Pignatellius, vol. VI, cons. 67, n. 6; Ferraris, loc. cit., n. 87). If the Bishop's judgment is overturned, the advocate argues, the interdict pronounced after the judgment must necessarily be overturned as well. And even more so, because, when considered in itself, it appears

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unjust and unfair. It is unjust, because the Sodality of the Most Holy Body...

[*Latin ed. p. 520*]

520. The confraternity of Sypon had appealed to the Roman Pontiff; therefore, while the appeal was pending, it was unlawful for the Archbishop to proceed further in the matter. It is unjust that a confraternity, which desires to participate in processions, should be disturbed, rather than allowed to fulfill its rightful duty. But I will now turn to the merits of the case. The primary question is whether the contending confraternities are ecclesiastical or, rather, lay. Indeed, in his letters, the Bishop calls these confraternities, always, lay confraternities, and indicates that the question of whether these confraternities are ecclesiastical or lay has already been raised. If they are to be considered lay, or subject to secular authority with regard to their establishment and constitution, then royal approval can easily be invoked as the source of any jurisdiction concerning these confraternities. In this matter, a masterful decision of Pope Sixtus V, in Urbano, concerning the archpresbytery, of May 27, 1697, before Ansaldo, is cited by Monacelli in Appena, volume II, number 35. In this case, the question was whether a presentation to a benefice of the archpresbytery belonged to the confraternity, and whether, as a lay patron, it should be granted a semester, or rather, a semester as a patron with ecclesiastical status. Therefore, since the fundamental principles are not clear in this matter, conjectures and arguments are presented, both those that suggest and demonstrate the ecclesiastical nature of the confraternity, and those that, conversely, suggest and demonstrate its lay nature. Several indications are considered. A confraternity, attentive to its antiquity and visited by the Ordinary, is presumed to have been established with the authority of the Bishop. A confraternity is presumed to be ecclesiastical whenever it has a church with an altar; and especially when the Bishop has freely visited it without contradiction. A confraternity of laymen, if it has obtained the approval of the Bishop or the Apostolic See in the alienation of goods, is considered ecclesiastical. The controversy concerns the question of whether the confraternity is lay or ecclesiastical, with regard to its obligation to request or not request the Apostolic approval in matters of goods.

[*Latin ed. p. 521*]

SYPONTINA 521, concerning alienation, refers Pignatelli, volume IV, consultation 21 and number 1, and states: "The common and true distinction is that in such alienations of goods, the formalities required in the alienation of ecclesiastical goods must be observed, when it is established that the confraternity or hospital, etc., has been constituted and erected by the authority of the Bishop, or when this is clearly deduced from certain signs, apparent from the appearance of such a hospital, namely that it is in

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the form of the Church, has a bell tower with a bell, a permanent altar, the name of a saint, burials, and where divine offices are celebrated, etc." Furthermore, both Pignatelli and the Royal Decree note that these signs cannot be taken individually, but must concur cumulatively to demonstrate the nature of a pious place. Moreover, Pignatelli, in the aforementioned passage, number 5, states that the visitation of a Bishop by itself does not constitute a completely certain sign, since Bishops, as delegates of the Apostolic See, can visit pious, lay institutions, by virtue of the Council of Trent, Session 22, on reform, chapter 8. However, both the Royal Decree and Pignatelli agree on this point, namely that in cases of doubt, such pious places are presumed to be lay institutions: Pignatelli states in number 4: "In cases of doubt, a confraternity, hospital, etc., is not presumed to have been erected by the authority of the Bishop, etc." and the Royal Decree states in number 13: "Nevertheless, in opposition to the rule more commonly accepted, which is that in cases of doubt, the presumption should stand for lay status, due to the motive of antiquity and ignorance of the erection." But perhaps it seems distant from the conditions of our time, to admit these principles by which more confraternities could easily be considered to be of a lay nature. And indeed, one must keep in mind the change that has taken place over time in the nature of these pious places. Formerly, hospitals, pawnbrokers, and other similar institutions were often established by associations of the faithful, or by confraternities, which, due to the fortunate conditions of those times, joined together the works of human charity with religious works. This is the type of case discussed in the aforementioned Royal Decree, and it also applies to the aforementioned consultation of Pignatelli. But...

[*Latin ed. p. 522*]

522 In Syponte, cum confraternities multiplicarentur ad fines puramente religiosos et supernaturales, multiplicati sunt etiam abusi; laici homines componebant statuta, et auctoritas saecularis approbabat sodalitates et statuta, ad quae, ut praeveniantur incommoda, Clemens VIII edidit Constitutionem, Quarumcumque, die 6 Decembris 1604. Quare, Amostazo, in De Causis Piis, Lib. IV, cap. 12, n. 6, postquam observavit, secundum jus commune antiquum, confraternitates posse erigi sine ullius beneplacido auctoritatis ecclesiasticae, observat: « Contrarium vero hodie tenendum ex Constitutione Clementis VIII... decernente, minime has Confraternitates esse instituendas absque licentia Ordinarii, prius statutis diligenter examinatis, prout declaravit S. C. Concilii 7 Octobris 1617 ». Quocirca factum est ut Confraternitates ad opera pure religiosa erigantur auctoritate ecclesiastica. Sed, ut bene notat Amostazo, loco citato, n. 10, improprium esset inferre, post Constitutionem Clementis VIII, non posse haberi nisi Confraternitates ecclesiasticas, et prohibitas esse laicales. Nam examen constitutionum earumque approbatio per se efficit ut huiusmodi pia

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opera sint licita, sed eorum naturam non pervertit; quamobrem, si laicalia constituta sint, talia perseverant. Haec observatio aequa est Regio Consensui, seu Regio Placet, quod vocant. Hoc enim ius, seu praebendi Regium Placet, vindicarunt Principes saeculares, ut institutiones Ecclesiasticae non cederent in discrimen Reipublicae Civilis. Timor huiusmodi, sane, est Ecclesiae infensus; nihilominus, Ecclesia, ad vitandas simultates cum civili principatu, passus est ut huiusmodi Regium Placet exerceatur etiam in opera, in institutiones mere ecclesiasticas; unde, cum approbatione ecclesiastica coniungeretur etiam saecularis, ad sortiendos omnes effectus ecclesiasticos et civiles. Sed, prout, suapte natura, approbatio subaudit rem approbandam, ita beneplacidum, sive ecclesiasticum, sive saeculare, rerum non constituit naturam, sed approbat et firmat.

[*Latin ed. p. 523*]

SYPONTINA 523 Therefore, although these confraternities may enjoy the approval of both ecclesiastical and civil authorities, it must further be investigated whether they are, in the eyes of the law, ecclesiastical or lay in nature. When the founding documents are lacking, and the nature of these associations is uncertain, it appears doubtful whether they should be considered ecclesiastical or lay. Nor can the principle invoked by the Sacred Roman Rota and by Pignatelli be adduced; namely, that in cases of doubt, lay associations should be presumed, provided that the subject matter itself suggests and demonstrates otherwise. Indeed, there are more indications that point to the nature of an ecclesiastical confraternity, namely, that if they do not have their own church, they certainly have their own altar; one is called the Confraternity of the Most Holy Sacrament, another the Confraternity of the Most Sorrowful Virgin, and they serve solely the purpose of divine worship. These functions, which pertain entirely to ecclesiastical discipline, must be exercised under the authority of ecclesiastical power; therefore, a confraternity which is not in any way connected with these functions must be subject, with regard to its constitution, to lay authority, insofar as it engages in natural and human works. In truth, Amostazo, *loc. cit.*, n. 20, when considering the question of whether confraternities, with regard to legal matters, belong to the ecclesiastical or lay forum, uses this criterion, namely, that the purpose to which the confraternity dedicates itself must be considered. If this purpose is purely ecclesiastical, the confraternity cannot be judged by lay authority; if it is purely lay, the confraternity belongs to the lay forum; if it is mixed, that is, partly religious and partly natural and human, then the matter is mixed, and there is room for caution, as is customary in mixed matters. Therefore, it may be inferred that confraternities can be established indiscriminately either by lay or ecclesiastical authority, when the purpose is mixed, consisting of both elements. But another question must be examined: namely, whether the members of the

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Most Holy Sacrament still today are subject to the interdict, even though they have appealed from the decision of the Ordinary. If they are, then...

[*Latin ed. p. 524*]

524. The interdict, when pronounced, even if it appears to be in the manner of a censure, is not prohibited by appeal, provided that the censure, as commanded by chapter 53 concerning appeals, does not carry with it execution, or does not admit of an appeal except in a suspensive manner, as the canonists say. Therefore, today, such an interdict, if it appears worthy of absolution, ought to be relaxed either by the Ordinary or by the Sacred Congregation. But in the case of an interdict which is general or extensive, indiscriminately applied to all confreres, even those who are not contumacious, and because it is partly local, affecting the Church in which the confraternity flourishes, it appears not to be a censure, but a penalty. D'Annibale (I, 372) writes: "I come now to interdicts which have more the force of a penalty, or rather, of a certain deprivation: such are the personal and general interdict, and the local interdict, whether general or special." Indeed, an interdict which is a penalty does not, by its very nature, carry with it execution, and does not admit of an appeal except in a suspensive manner. Furthermore, it is also the case that, even if the interdict appears to be in the manner of a censure, nevertheless, if this censure has not yet been pronounced, but only threatened by appeal, it is suspended. Indeed, the Vicarius Foraneus decreed the interdict, in the name of the Bishop, on June 26, 1895. Reiffenstuel (de appell., n. 214), after noting that the suspensive effect of an appeal is deceptive in ecclesiastical censures absolutely imposed, says: "For it must be said differently if the censure has not yet been imposed, but only threatened and to be carried out later; or if it had been imposed under a condition... The reason for the difference between this case and the previous one is: because there, excommunication or another censure, as it were, absolutely imposed, already restricts the excommunicated before the appeal is interposed; otherwise, in the other case, it was imposed conditionally, and before that event, the appeal was made." This concerns common law, but concerning the particular law already introduced in the provinces of the Kingdom of Naples, it is necessary to consider the observations made by the contending confraternities in another Neapolitan case, which was heard this very day before the Sacred Congregation.

[*Latin ed. p. 525*]

MANFREDONIA was again disturbed, and it was frequently recalled that the Royal decrees of June 19th and 30th, 1769, had been issued, by which it was decreed that all lay congregations ought to seek Royal approval and sanction for their erection. Then, several decrees are mentioned, issued by Royal authority, without the consent of ecclesiastical authority, which established that the precedence among confraternities, based on an-

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tiquity, should be measured from the date of the Royal approval. Therefore, the force of such laws seems to be required by the nature of these confraternities, which, since they are composed of laymen, are subject to lay authority regarding their erection and discipline. With these considerations in mind, the following doubts were raised: I. Whether the judgment of the Archdiocesan Curia of Manfredonia should be confirmed or rejected in this case. II. And whether, and how, the interdict should be lifted in this case, to the extent that it has been enforced. RESOLUTIONS. The Sacred Congregation, after deliberation on December 10, 1898, decided to respond. Regarding I, after considering all things, it was judged that the judgment should be rejected... Regarding II, provision is made in I.

GIENNEN. BINANDI. December 17, 1898. By summary petitions.

SUMMARY OF THE CASE. A noble lord, a Marquis, possesses a vast estate, from which he takes his name, and in this estate are contained several villages; and these consist solely of rural dwellings, which are very far apart. The villages have chapels, but there are no priests.

[*Latin ed. p. 526*]

526. GIENNEN. These [villages] are attached to the same parish; therefore, it is very difficult for the farmers to access the parish churches, which are also very far apart. For the service of these parish churches, one or two priests are responsible; therefore, it is not possible to call upon a certain priest to celebrate Mass in the chapels of the villages. Consequently, a noble and pious man began to petition the Most Blessed Father, from whom we enjoy such blessings, to deign to grant permission for the celebration of Mass, and to grant this dispensation with regard to three chapels. Firstly, concerning the chapel of the village commonly called Tarafe, which is ten kilometers distant from the town of Albanchez, and which numbers forty inhabitants, and some foreigners, especially during the summer and autumn months, who are working there. In the town, the parish priest and his assistant are attached to the parish church, and they are obliged to celebrate Mass on feast days in their church. Unless permission is granted to the assistant priest to celebrate Mass in the chapel of that village, the inhabitants and foreigners of that village will be deprived of the sacrifice of the Mass on feast days. Secondly, concerning the chapel of the village commonly called Torrubia, which is twelve kilometers distant from the city of Linares. The priests who perform the sacred duties in that city are prevented from celebrating Mass in the aforementioned village. Consequently, fifty inhabitants of the village of Torrubia and some foreigners are unable to fulfill the precept of hearing Mass. However, a priest who is attached to the city of Linares, as a chaplain, would willingly come to the village of Torrubia on feast days to celebrate Mass, if he were granted the faculty to do so. Thirdly, concerning the chapel of the village now called Vega S. Maria, which numbers eighty-three inhabitants and some foreigners, and

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is six kilometers distant from the city of Baeza. There, the inhabitants and foreigners are also in a miserable condition, so that they cannot attend the sacred services on feast days, unless permission is granted to the priest Julian Castilla Casado, who is attached to a certain church in the city of Baeza, to celebrate Mass a second time in the village of Vega S. Maria.

[*Latin ed. p. 527*]

SECTION 527. A Synopsis of Considerations. It has been diligently noted in prayers that the distance of towns from parish churches should be considered, but it has not been sufficiently explained how much distance there is between different towns, when it is merely stated that they are not a little distant from each other. This information is not superfluous, firstly because, if the distance between towns is not great, the inhabitants of one town could attend Mass in the chapel of another town; and secondly because it has always been the practice of the Sacred Congregation of the Council to not grant an indulgence for the repetition of Mass unless necessity demands it, not merely for convenience, as was written by the Sacred Congregation of the Council in Tulancingo on May 10, 1884. Examples of such necessity are taken from the celebrated Constitution of Benedict XIV, addressed to the Bishop of Huesca, and also from the practice of the Sacred Congregation of the Council, and are enumerated by Lucidi in volume III, § 18, numbers 11 and following; and they occur when a parish priest presides over two parishes or two populations, or when the entire population cannot attend Mass at the same time, and otherwise there is no priest readily available. Furthermore, no other case seems to be admissible, since Benedict XIV in the aforementioned passage, after stating several other reasons and causes which moral theologians have considered too leniently, has declared them to be to be excluded. Nor is it otherwise inferred from the account from Salamanca, related by the same Lucidi, in which those causes are discussed; and the same is taught with erudition by the Most Reverend Zelada in the decree which he published in Derthusen on August 20, 1769, where the responses of the Sacred Congregation of the Council are also cited from books of Decrees, in which, besides the aforementioned case of necessity, it is constantly stated that the repetition of the Sacrifice is not permitted.

INDULGENCE GRANTED. On the contrary, if we recall examples from classical antiquity, it is clear that, formerly, due to the abundance of people and the lack of priests, several Masses were often celebrated by the same priest on the same day, and this custom remained unchanged in subsequent centuries.

INDULGENCE DENIED.

[*Latin ed. p. 528*]

528. Indeed, although the number of priests had increased, according to

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Gard, *Bona Rerum*, title 1, book 1, chapter 18, section 5 and following; and Benedict XIV, *De Synodis Dioecesibus*, book 5, chapter 8, number 8. However, over time, since some, driven by a shameful desire for gain, more frequently celebrated Mass on holy days, the Roman Pontiffs, Leo IV first, then Innocent III in the chapter *Constituisti*, and Honorius III in the chapter *Te Referente* concerning the celebration of Masses, in order to restrain abuses, forbade the repetition of Mass with a severe law. It is perhaps permissible to understand this law with a more benign interpretation, when all suspicion of avarice is absent, necessity compels, and the danger of abuses is removed. Benedict XIV, in the aforementioned decree, indicated that the burden of granting the dispensation of multiple Masses falls upon the Bishops; but the Sacred Congregation of the Council, in cases of equal necessity, often grants such dispensations, according to the authority and prudence it possesses. Especially in this time, when public religious acts are greatly diminished in many places, and the study of religion is widely neglected or scorned, the Sacred Congregation of the Council considered it advisable to somewhat soften the rigor of the law in this matter, as is evident from the decrees of Piacenza, December 16, 1896; Lingonen, August 24, 1878; Mexicana, December 20, 1879; Valladolid, April 7, 1873; Orationopolis, on the same day and year; Salerno, May 4, 1889, etc. And the Sacred Congregation for the Propagation of the Faith, in the year 1832, informed the Bishop of Nicopolis that the Apostolic See granted him this faculty for the spiritual good of the faithful, desiring that all might be able to fulfill the ecclesiastical precept. Conforming to this intention is the Instruction given by the Congregation for the Propagation of the Faith on May 24, 1870, which, in numbers 13 and 14, states that the Holy See, in recognizing the necessity in the circumstances of the case, refers itself to the prudence and conscience of the Ordinary. In this matter, the Ordinary states: "First of all, I must assert that, unless through the celebration of Mass, as is stated in the very prayers, the faithful residing in these places can fulfill the precept, it cannot be done." This dispensation is usually granted for a time, such as three years, or five years, as long as the necessity persists; thus, in Castellaneta, on March 5, 1892.

[*Latin ed. p. 529*]

GIENNEN. In the year 1529, a decree was issued "For the sake of grace, at the discretion and according to the conscience of the Bishop, for a period of three years, after having spoken with the Most Holy." With these premises, the question was raised as to what should be answered regarding the prayers. RESOLUTION. After deliberation by the Sacred Congregation, on December 1, 1898, it was decided to respond: "For the sake of grace, according to the request, at the prudent discretion and according to the conscience of the Bishop; however, so that the Holy Mass may be repeated on holy days by order only, with the collection for alms for the second Mass

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being prohibited; provided that a priest cannot be found who will attend to celebrating in each church; and provided that each celebrant shall be obligated to explain the Gospel or Christian doctrine to the faithful of the respective place, for a period of five years, after having spoken with the Most Holy." FROM THE SACRED CONGREGATION FOR BISHOPS AND THE REGULAR CANONS. The religious community of Marienthal in Holland, under the rule of the Third Order, is permitted to follow the rule of the Second Order, and the monastery is subject to papal enclosure. In the place commonly called Marienthal, near Venloo, in Holland, a monastery was established in the year 1882, under the rule of the renowned Father Dominic of the Third Order. However, the Sisters residing in the same place, inflamed with a desire for greater perfection, presented fervent prayers to the Bishop of Ruremond, requesting that they be allowed to follow the rule of the Second Order of the same Saint. The Bishop, complying with their laudable request, changed the monastery of Marienthal from the Third Order to the Second Order in the year 1888, and they have since held fast to the institute of a life of devotion according to the rule of the Second Order. Moreover, as is recorded in the Bull of Boniface IX, beginning: "Of the Holy Religion," the Sisters of the Second Order, being religious women bound by solemn vows, and whose monasteries are subject to papal enclosure, the aforementioned Sisters of the monastery of Marienthal, in order that their vows may be fully fulfilled, requested of His Holiness Leo XIII that their monastery be considered a monastery subject to papal enclosure, and so it was. (Aota, Vol. XXXI, p. 369).

[*Latin ed. p. 530*]

550 His Holiness, the Pope, and the Religious superiors, deeming it fitting to recognize the solemn profession [of vows] as a sacred act, and because it is most pleasing to His Holiness that the path to a more perfect spiritual life be opened to consecrated virgins, having heard the commendations of the Ordinary of Roermond and the General Procurator of the Order of Preachers, and healing from the root whatever may have been irregular, especially concerning the novices and professions made up to this point, declares that the aforementioned monastery is subject to papal enclosure, and that the vows made therein are solemnly binding, granting to it all the rights and privileges that monasteries of this kind enjoy and possess, and granting to the Ordinary of Roermond the power, with regard to the enclosure, to relax it in cases in which necessity absolutely requires it. Given in Rome, from the Secretariat of the Holy Congregation of Bishops and Regular Canons, on the 7th of February, 1899. S. CARD. VANNUTELLI, Prefect. * S. A. TROMBETTA, Secretary.

FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION:

DOUBT: A priest doubts whether he touched the paten while the Bishop

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was pronouncing the form during his own ordination.

Most Blessed Father, N. N., a priest, remembers that he rightly, according to the instructions of the master of ceremonies, placed his fingers in contact with the instruments during his ordination to the priesthood; but in fact, after his hands were withdrawn from the instruments, he doubted, or at least he does not remember, whether, while the form was being pronounced by the Bishop, he had immediately touched the paten or not. This doubt he initially dismissed, relying on the advice of a prudent man; but afterwards, anxious about the value of his ordination, and desiring peace of mind, he humbly requests from Your Holiness how he ought to act.

Friday, December 14, 1898.

In the general congregation of the Most Eminent and Reverend DD. Cardinals, Inquisitors General for matters of faith.

[*Latin ed. p. 531*]

From the proceedings of the Sacred Congregation, number 531, having considered the aforementioned petitions, and with the vote of the Most Reverend Consultors duly taken, the aforementioned Eminent and Reverend Fathers were commanded to respond: "Let it be so." On the following Thursday, the 26th of the same month and year, during an audience granted by His Holiness, Pope Leo XIII, Supreme Pontiff, to the Reverend Fathers of the Congregation, His Holiness approved the resolution of the Fathers. I, Canon Mancini, Secretary of the Sacred Congregation for the Doctrine of the Faith and the Inquisition, note the following: A question has arisen regarding the validity of an ordination in which the Bishop performed the second imposition of hands after having pronounced the sacramental words. To the Most Blessed Father, the Priest N. N., prostrate at the feet of Your Holiness, humbly presents the following: He states that when he was ordained a priest, the Bishop did not hold his hand raised above the ordinands while saying the words: "Let us pray, brothers, and say:" etc.; but rather, he noticed that the Bishop raised and held his hand raised for some time; however, this occurred after the aforementioned prayer had already ended, and it is not known whether, during the time that his hand was raised, the Bishop repeated the sacramental words in a low voice. Therefore, he humbly requests that Your Holiness advise him as to what he should do to quiet his conscience. On Thursday, the 14th of December, 1898, in a general meeting held before the Eminent and Reverend Cardinals, Inquisitors General for the matters of faith and morals, having considered the aforementioned petitions, and with the vote of the Most Reverend Consultors duly taken, the aforementioned Eminent and Reverend Fathers were commanded to respond: "Let it be so." On the following Saturday, the 16th of the same month and year, during an audience granted by His Holiness, Pope Leo XIII, Supreme Pontiff, to the Reverend Fathers of the Congregation, His Holiness approved the resolution of the Fathers. I, Canon Mancini,

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Secretary of the Sacred Congregation for the Doctrine of the Faith and the Inquisition, note the following.

[*Latin ed. p. 532*]

552 FROM THE SACRED CONGREGATION'S DOUBT; It is doubted whether it is permissible to call a heretical minister to a Catholic institution, when a non-Catholic who is dying is present in the same place. Most Blessed Father, The Superior General of the Little Sisters of the Poor, prostrate at the feet of Your Holiness, humbly asks how the Sisters should act when they find among the elderly residing in their houses a non-Catholic who, at the end of life, despite their efforts to have him die converted to the true Religion, nevertheless desires the presence of the heretical minister. May they call such a minister? Thursday, December 14, 1898. In the general congregation held by the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, after the aforementioned requests were presented, and with the prior vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers gave the following response: Let a Decree be given in Cologne, on Thursday, March 14, 1848, together with a Declaration to the Apostolic Vicar of Egypt, on Thursday, February 1872. Furthermore, the Decree in Cologne reads as follows: "Most Blessed Father, "Reverend Father Evens, a priest of the diocese of Cologne in Prussia, humbly explains to Your Holiness that in the city of Neutz, of the same diocese, there exists a hospital, of which he himself is the Rector and chaplain, and in which nuns, called the Black Sisters, care for the sick. Now, when non-Catholics are suddenly received into this hospital, and these same individuals request the presence of a heretical minister, to receive religious assistance and comfort, the question is asked whether it is permissible for these nuns to call the minister of the false religion. It is also asked whether the same solution applies when this sick person, a heretic, resides in a private home of a Catholic; that is, whether the Catholic may then lawfully call the heretical minister. "Response: According to what has been explained, it is not permissible; and the reasoning is: 'They should act passively.' Following this is the Declaration to the Apostolic Vicar of Egypt: "In Nella, on Thursday, January 31, 1872, this question was presented to these Most Eminent Inquisitors General by Monsignor the Vicar and Delegate."

[*Latin ed. p. 533*]

FROM THE SACRED CONGREGATION OF THE INQUISITION, 333, Apostolic of Egypt... addressed to obtain instructions on how to behave in mixed hospitals, served by Catholic nuns, when a schismatic or Protestant patient requires the assistance of his minister. "The Holy Congregation, after having resolved the matter with its customary additions in mature consideration, deemed it fitting to issue the following Decree: B. P. D. The

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Apostolic Vicar shall conform to Decree No. IV, March 15, 1848, and the meaning of the words of that same Decree shall be explained to him appropriately. Indeed, in his letter, he expressed his embarrassment in interpreting those expressions, that is, in translating them into practice. Regarding this matter, the aforementioned Most Eminent ones intend to give special warning to that Prelate, namely, that it would not be permissible for the nuns or other Catholic individuals entrusted with the direction or service of the hospital to directly accede to the requests of non-Catholic patients concerning the calling of their minister, which is proper to declare in such a case; but at the same time, they add that for the calling, they may make use of some person belonging to their respective sect. In this way, the maximum is preserved regarding the prohibited communication in divine matters." Subsequently, on the following sixth day of the week, December 26th of the same month and year, during the usual audience granted to the Most Holy and Divine Pope, Pope Leo XIII, by the Most Reverend Fathers, the Assessors, the Most Holy Pope approved the resolution of the E. and R. Fathers. I. CAN. MANCINI, S. B. and U. Inquisitor. Note: A DOUBT concerning the fast preceding the Sacred Ordination and the consecration of churches. Most Blessed Father, the Bishop N. N., prostrate at the feet of the Holy See, humbly requests a benign declaration as to how the fast before the consecration of a church and before Ordinations should be understood. In the case where this fast, as prescribed in the Roman Pontifical, includes abstinence from meat, and also a single meal in the day, the Bishop, the speaker, who consecrates churches and performs Ordinations several times a year, humbly requests this for himself, for those attached to the church, and for those to be ordained.

[*Latin ed. p. 534*]

534 FROM THE HOLY OFFICE: Regarding a mitigation of the aforementioned precept, so that Your Holiness may deign to grant a dispensation from meat until dinner, both before the consecration of a church and before ordinations, so that the abstinence from meat, except for the so-called "soup," may remain in the evening meal, and the fast for the sake of the customs of our region may be observed. The reasons are: 1.° Dispensations for the forty days [of Lent] have likewise been granted by Your Holiness. 2.° The harshness of the air in the vicinity of our region. 3.° The weakness of the moral fiber of the laymen attached to our churches, etc. On Thursday, December 14, 1898, in the general congregation before the Most Eminent and Most Reverend Cardinals, Inquisitors General for the Faith and Morals, with the aforementioned doubts presented, and with the vote of the Most Reverend Consultors having been heard beforehand, the Most Reverend Fathers respond as follows: Regarding ordinations, it suffices to observe the fasts of the Four Seasons; for there is no obligation of fasting for ordinations outside of the seasons. Regarding the consecrations of churches, the

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Decree of the Holy Roman Church in Mechlin, of July 29, 1780 (n. 2519, new edition), should be observed, which reads as follows: "The fast prescribed in the Roman Pontifical is of strict obligation for the bishop consecrating and for those only who request that the church be consecrated to them; and this same fast should be observed the day preceding the consecration, according to the form of the Roman Pontifical." Regarding, however, the requested dispensation from the fast on the occasion of the consecration of a church, one should petition the Most Holy Father according to the established procedures. On the following Saturday, December 16 of the same year, during the usual audience granted to the Most Holy Father, Pope Leo XIII, Divine Providence, Pontiff, by the Most Reverend Father N., the Assessor, the Most Holy Father approved the decision of the Most Reverend Fathers and granted the requested grace, notwithstanding any objections. I. CAN. MANCINI, Secretary of the Holy Roman and Universal Inquisition.

[*Latin ed. p. 535*]

555 FROM THE APOSTOLIC PENITENTIARY: A QUERY; It is questioned whether those who purchase goods belonging to purely lay pious institutions should be required to make a composition (i.e., a payment to the Church). Most Blessed Father, I also humbly request a decision. A decision was issued by the Apostolic Penitentiary on March 9, 1894, regarding the faculties granted to Ordinaries concerning compositions. These faculties cannot be extended to goods belonging to pious institutions administered by charitable organizations, when these pious institutions have no ecclesiastical character, but are purely lay, because in such goods are not found the elements indicated by the expressions in the aforementioned Rescript concerning compositions, namely: goods or rights unjustly taken from the Church, without the Church's consent.

Now, it sometimes happens that I am asked for a license or authorization to purchase such goods administered by charitable organizations. Therefore, I implore Your Beatitude to deign to authorize me to grant such licenses and authorizations, applying in these cases the same conditions and using the same criteria as are used in the case of compositions of ecclesiastical goods. I await the grace of your blessing.

The Bishop N. N.

Sacred Penitentiary: After mature consideration of the matters presented, the Penitentiary responds as follows: The meaning of the Rescript of March 9, 1894, is that, generally speaking, those who purchase goods belonging to purely lay pious institutions do not require a composition, unless, by reason of burdens imposed upon such goods, some right belongs to the Church; in such a case, the Ordinary should avail himself of the faculties of this Holy Penitentiary concerning compositions.

Given in Rome, in the Sacred Penitentiary, on December 14, 1898.

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B. POMPILI

R. CELLI

S. S. P. P.

Corrector.
Sub.

[*Latin ed. p. 536*]

536 FROM THE SACRED CONGREGATION CONCERNING THE REGULAR LIFE: A LETTER concerning eminent superiors regarding religious who wish to dwell outside the cloister. To the Most Reverend Bishop N., Greetings. As a brother, aware of the difficult situation of religious today, the Sacred Congregation concerning the Regular Life, for those religious who, deprived of the grace of their vocation, or for another reasonable cause, have wished to dwell outside the cloister, and who, after a time, desire it, having heard the superiors general of the Order, after mature deliberation, has decided and decreed: "that to these, the faculty be granted to remain outside the cloister, having relinquished the regular habit, for one year; that they constitute for themselves a patrimony; that they find a benevolent receiver; and then, for perpetual secularization, they may again petition, and in the meantime, performing sacred duties, preaching the word of the Lord, they may prove themselves worthy of a pious life among the faithful." However, these provisions do not diminish the jurisdiction of the Bishop in any way: for the Ordinary is not compelled to co-opt them into his clergy, nor to burden them with ecclesiastical benefices; but, provided the grace of the concession continues, and the prorogation granted by the Apostolic See remains in effect, they may, at their pleasure, reside in his diocese to perform sacred ministrations, if they so wish. Nor does this manner of acting give rise to any doubt concerning the Decree "Auctis admodum" of 1892, because this, by general rule, affects recent institutes of simple vows; and it only refers to orders properly so called, in which the solemn vows of religious are professed. However, this exception, if it should occur, is clearly noted in a particular decree, so that a special rescript and its conditions constitute the law for the individual: and only from him must the Ordinary inquire as to the manner of his actions. Indeed, in the letters which Your Eminence deemed it appropriate to send to this Sacred Congregation on July 4th of the current year, it concerns the Most Holy Order of the Most Holy Trinity, and regarding whom, as he says: "that he desires to offer them some relief, since the benevolent receiver, the Bishop, undertakes the burdens; therefore, he requests permission that they may

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exercise their ministry at their own discretion, etc."

[*Latin ed. p. 537*]

MOST HOLY FATHER, CONCERNING REGULAR DISCIPLINE 537. Here, the Holy Order responds: "Religious of this kind, who are 'secularized for a year and meanwhile, etc.' (as above), belong to the 'Orders of solemn vows'; therefore, unless there are some special impediments, they do not require any new faculty, so that, with the authorization of the Bishop, they may exercise the sacred ministries in the respective diocese. And these things are said, so that the law and the rule for acting in this matter may be presented to you, to whom we pray for all blessings from God, the Most High. With the utmost devotion, your Brother, CARDINAL VANNUTELLI, Prefect. DECREE, by which the Master of the Order of Preachers is granted the faculty to dispense a certain number of Converts to be received within the cloister, when they have begun their eighteenth year. Most Blessed Father, Brother Hyacinthus Maria Cormier, General Procurator of the Order of Preachers, humbly prostrates himself before Your Holiness, and explains that the decree of the blessed memory of Clement X, of May 16, 1675, which prohibits Converts from being given the habit, and indeed from being admitted within the cloister, before they have completed their twentieth year, is today subject to considerable inconveniences. For young men who, moved by divine grace, seek to enter the sacred cloister in order to more safely attain eternal salvation, this very pious disposition, as the years pass, are often deceived by the deceptions of the world, and, when they reach their twentieth year, are often found to be entangled by the allurements of passions and the false love of liberty. And if they still strive for religious perfection within the family, they must spend six months as postulants, and then serve the religious life for three years as Tertiaries, so that they may then be admitted to the novitiate, and after a year of novitiate, make simple vows, and finally, after three more years, make solemn vows; but, fearing so many inducements, they often withdraw. Thus, secular needs are served within the convents, with no small expense, both to poverty and to the regular life. Having considered these things, and with the approval of the Reverend Master of the Order, Father Andrea Frühwirth, the aforementioned Procurator humbly requests Your Holiness to grant the Master of the Order, for the time being, a certain number...

[*Latin ed. p. 538*]

538 FROM THE SACRED CONGREGATION CONCERNING THE DISCIPLINE OF RELIGIOUS ORDERS: Regarding the reception of Postulants and Converts, it is permissible, when they have completed their eighteenth year, to receive them within the enclosure, so that there they may prudently undergo the series of examinations established by the Order, and at the

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appropriate time be admitted to profession. The Sacred Congregation concerning the Discipline of Religious Orders, having considered the matter, benignly grants the requested permission, but only for fifteen Postulants; Converts, provided they have completed their eighteenth year; and if they are ever to be admitted to formal probation, they shall not be admitted until the age prescribed by the Apostolic Constitutions and the Order has been completed, and in the place designated for the Novitiate: all other conditions, which are found in the decree of June 10, 1880, being observed. In contradiction to whatever may be to the contrary. Rome, August 23, 1898. S. CARD. VANNUTELLI, Prefect. *[Seal]* A. TROMBETTA, Secretary. FROM THE SACRED CONGREGATION FOR RITES, AUGSBURG AND TURIN. The Consecration of the Faithful to the Heart of the Most Holy Virgin Mary is to be performed on the last Sunday of May. That the religion and piety towards the Most Blessed Virgin Mary, our peace with God, and the administrator of heavenly treasures, as well as the maternal Heart of her, may be fostered and increased more and more through love and goodness, several Sacred Prelates, in Italia, with the preceding Cardinals, the Archbishop of Mediolanensi and the Bishop of Anconitano, together with the Reverend Archbishop of Taurinensi, recently gathered in Augsburg and Taurinorum, moved both by private devotion and by the public benefit of the faithful, humbly requested our Most Holy Lord Pope Leo XIII, that in those churches and oratories in which the pious exercise of the month of Mary is carried out, with the approval of the local Ordinary, a solemn consecration of the faithful to the same Most Pure Heart of the Most Holy Virgin be made.

[*Latin ed. p. 539*]

From the Sacred Rites, 539: The Most Holy Pope, through a single formula proposed by himself, and with the Feast in honor of the same title to be observed on this day, under the rite of the first or second class, has decreed that these things be observed. Furthermore, with clemency, His Holiness, after consultation with the Congregation of Sacred Rites, has deigned to grant his approval to the petitions, so that the religious act of consecration of the entire people or Diocese in honor of the Most Pure Heart of Mary may be performed annually on the thirtieth day of the month of May, if this falls on a Sunday; otherwise, on the nearest Sunday to that day, using the formula attached to this Decree and approved and commended by the same Holiness. He has also granted that, on that same Sunday, in the aforementioned Churches and Oratories of the Diocese, both by the Orators of the Reverend Pastors and by other individual Ordinaries, a single solemn or chanted Mass may be celebrated, and another read for the faithful who wish to attend the Holy Synaxis, from the Most Pure Heart of the Blessed Virgin Mary, as on a feast day; provided that it does not fall on a Double of the First Class, or on a Sunday of the First Class: nor

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shall the Conventual or Parochial Mass, corresponding to the Office of the day, be omitted, where the obligation to celebrate it exists: all other rubrics being observed. Contrary decrees notwithstanding. December 12, 1898. C. CARD. MAZZELLA, Prefect of the Sacred Congregation. L. S. DIOMEDES PANICI, Secretary. Act of consecration of a Diocese to the Most Pure Heart of Mary, Virgin. Most loving Mother Mary, turn your gaze upon the people of this Diocese, a humble portion of your great family, who here prostrate themselves before you, and offer themselves to your maternal Heart in an irrevocable consecration. This is moved not only by our filial affection for you, but also by the need that we all feel in these troubled times for your particular assistance. See, O Mary, how they seek to extinguish the faith in our hearts with the coldness of indifference and incredulity: alas! You who are the Seat of Wisdom, preserve us all from the false science of the world, and keep us steadfast in the true faith.

[*Latin ed. p. 540*]

340 FROM THE SACRED RITUAL, most excellent of the practices of your Son. Behold the snares that are laid on every side against good morals, contaminating everything with impure sensual license: alas! You, O Immaculate One, purify the land from so many impurities, and at least preserve all our families. Observe how they attempt to upset the entire society and cast it into the whirlpools of rebellion against every law and authority; therefore, O august Queen, maintain among the classes of your people that order which was established by God, and do not allow the counsel of the wicked to prevail. Finally, have mercy on the Church, O Help of Christians, have mercy on her venerable Head, and hasten the moment when, raising their heads from long oppression, they may breathe an air of peace and freedom. Therefore, accept, O good Mother, the consecration that this people today makes of itself to your maternal Heart, and as a fruit of your favor, may all feel your protection in life and in death. And so it shall be. Holy Mary, help the afflicted, aid the timid, strengthen the weak, pray for the people, intercede for the clergy, plead for the devoted female sex: may all feel the benefit of your most pure Heart, whoever calls upon you. * Pray for us, Holy Mother of God: that we may be made worthy of the promises of Christ. Let us pray. Almighty and eternal God, who in the Heart of the blessed Virgin Mary prepared a worthy dwelling place for the Holy Spirit: deign to grant that, reverently celebrating the feast of that most pure Heart, we may live according to Your will. Through our Lord Jesus Christ... who lives and reigns forever and ever. Amen. CAMILLUS CARDINAL MAZZELLA, Bishop of the Holy Roman Church, Prefect. From Palestrina, on the 5th of [month], [year]. S. DIOMEDES PANICI, R. C., Secretary. From Udine. Doubts concerning baptismal water. The Reverend Egyptian Canon Prugnetti, General Provincial of the Archdioceses of Udine, humbly requested a solution from the Sacred Congregation of Rites regarding the

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following doubts:

[*Latin ed. p. 541*]

FROM THE SACRED CONGREGATION OF RITES, 541 I. Whether the baptismal water, on Holy Saturday and the Vigil of Pentecost, ought to be blessed only in parochial churches, or also in filial churches which legitimately possess a baptismal font? II. And, to the extent that the answer to the second part is affirmative, whether it suffices to bless the water up to the time of the blessing of the oils exclusively in the parochial church, and then to bring the water to other churches, and to perform the blessing of the oils in each church individually, or whether the entire blessing must be performed in each church? III. Whether, in the case of a lack of clergy in filial churches, or if the clergy are prevented by duties in the parochial church, and in the evening by the blessing of homes, it is permissible to postpone the renewal of the font to another day? IV. Whether the parish priest, in whose parish there are several churches with a baptismal font, and who has the right to perform the renewal of the sacred font in each, but who cannot perform it himself, must delegate another priest to perform it on Holy Saturday and the Vigil of Pentecost? And the Sacred Congregation, after considering the report of the undersigned Secretary, and after a careful vote of the Liturgical Commission and all expenses, decided to respond as follows: To I and II, negatively to the first part, affirmatively to the second part, according to the rubrics and decrees. To III, negatively, and in such a case, the Memorial of Rites for Smaller Churches, published by order of Benedict XIII, should be used. To IV, affirmatively. And thus it responded, on January 13, 1899. C. CARD. MAZZELLA, SECRETARY OF RITES. L. * S. DIOMEDES PANICI, SECRETARY. ALATRI, concerning certain customs to be observed. R. D. Raphael Rossi, the present Master of Ceremonies of the Reverend Bishop of Alatri, and with his consent, humbly requested the Sacred Congregation to provide a solution to the following doubts: I. In the Cathedral Basilica of Alatri, when the Bishop is to perform pontifical functions, the canons in the same association...

[*Latin ed. p. 542*]

54-2 From the reports of the Sacred Congregation, concerning the rites of the Church, it is inquired whether a certain procession can be maintained, namely, that in which the Cross with candlesticks precedes, followed by the Seminary students, beneficed clergy, canons, and finally, the Bishop; it is asked: Can this custom be observed?

II. Furthermore, when the Bishop puts on the sacred vestments for the Pontifical Mass, does the Subdeacon never wear the *ema* (a type of liturgical stole) and sandals, but rather entrusts this office to a sacristan? It is asked: Can this custom be maintained?

III. In the same Pontifical Mass, when the Deacon and Subdeacon are

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serving at the altar, are they obligated to kiss the altar itself when they receive the paten?

IV. During the three days of Rogations, the aforementioned canons, from ancient times, celebrate Mass on a weekday in the Cathedral, and then perform a procession to bless the cross at the gates of the city; after this blessing is completed, each day they enter the parish church, where the parish priest, celebrating a private Mass on a weekday, awaits the procession before performing the consecration. After the consecration is completed, the procession immediately returns to the Cathedral. It is asked: Is this custom in accordance with the rubrics, and can it be observed?

V. Can the Litany of the Blessed Virgin Mary be recited in place of the Litany of the Saints during the solemn exposition of the Most Holy Sacrament according to the form of the Forty Hours, before the blessing with the same Venerable Sacrament?

VI. In the convents of young girls, can a girl or nun serve at Masses celebrated by a chaplain outside the choir or further from the altar, when it is not easy to find another server?

VII. On the days when Mass for the Dead is prohibited, can a Mass for a feast day be celebrated for the soul of a deceased person, but only after a mournful signal is given for the same Mass with a black cope?

And the Sacred Congregation, after considering the report of the undersigned Secretary, and the fervent vote of the Liturgical Commission, after all matters have been carefully examined, decided to respond as follows:

To I: The Ceremonial of Bishops, book I, chapter 15, should be observed.

To II: Affirmative, provided that the Subdeacon, who carries the *ema* and sandals, is present.

To III: Negative, according to the Ceremonial of Bishops, book I, chapter XXIV.

To IV: Negative to both questions.

[*Latin ed. p. 543*]

From the minutes of the meeting, No. 545, Regarding the preservation of the Clementine Instruction. To Section VI. Affirmative in this case and by necessity. To Section VII. Negative. And thus it was written. On March 18, 1899. L. * a C. CARD. MAZZELLA 5. R. C. Prefect. DIOMEDES PANICI S. R. C. Secretary. Concerning the Beatification and Canonization of the Venerable Servant of God, Sister Alexia Le Clerc, Foundress of Our Lady's Institute. To Blessed Peter Fourier, it is fitting that honor be given, as a father and author of the Institute of Our Lady, which had as its mother and foundress, Alexia Le Clerc, and recognized her. This handmaid of God was born on February 2, 1576, in the city of Remiremont, within the territory of Lorraine, then the diocese of Toul, now the diocese of Saint-Deodatus; and on the very day of her birth, she was cleansed with the sacred wa-

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ters of baptism. In the young girl, the disposition of virtue wonderfully corresponded to the care and example of her parents, who, admiring her, embraced her with a special love. Having scarcely entered adolescence, she indulged in conversations with her peers, more concerned with the adornment of her female body than with the Christian adornment of her spirit; and she herself later lamented and repented of the faults committed in her youth. At the age of nineteen, she was afflicted by a serious illness, and, after receiving spiritual guidance through the sacrament of confession, struck by the fear of God, she resolved to examine her soul more diligently and to expiate her sins more thoroughly. Having a more perfect state of life as her goal, she steadfastly refused the marriages repeatedly offered to her by her parents, in order to vow chastity to God. This holy intention was revealed to Blessed Peter Fourier, who was the pastor of Mattaincourt, along with a more exquisite love, and the sacramental confession of her sins. Desiring to enter a cloistered community of servants of God, Alexia was presented with the opportunity to join the monastery of the Poor Clares in the city of Pont-à-Mousson. When her parents hesitated because of the austerity of life, Alexia turned her mind and thoughts to the founding of a new community of sacred virgins, which would be dedicated to educating and instructing girls, especially the poor. She found three young women prepared for this, and she brought them to Blessed Peter, who, previously...

[*Latin ed. p. 544*]

544 FROM the Sacred Congregation's experience, having observed and thoroughly tested, on the most blessed night of the Nativity of the Lord in the year 1597, the firstfruits of this nascent Institute were gathered. The Very Reverend Mother Pussaji, assisted by regular canonesses and with the guidance of Blessed Fourier, opened the Institute itself, along with its first school, and began religious life under a rule approved by the Bishop of Toul, to which were added four vows, in addition to the three. At the beginning of the year 1603, with the encouragement and favor of the Duke of Lorraine and especially of his son, His Most Reverend Eminence, Cardinal Charles, accompanied by Claudia Chauvenelle, she came to Nancy and, in buildings near the hospital of Saint Julian, founded the most desirable school. The aforementioned Cardinal, having made a vow, approved the Congregation, by the authority of the legate of the Holy See, and granted the handmaid of God the power to establish other houses and schools throughout Lorraine. Therefore, under the auspices of the Virgin Mary and with the help of divine providence, in the year 1604, a more suitable and primary house of the Congregation was established in Nancy, subsequently enlarged by new buildings under the direction of the Bishop of Toul, Monsieur de Lenoncourt; and in the following years, flowers selected from the garden of Nancy appeared in many other places, bearing the most excellent fruit. According to the constitutions of the aforementioned Congregation, drawn up by

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Blessed Peter and confirmed by the same Bishop of Toul, with the consent and authority of the Supreme Pontiff Paul V, and with this very saintly man legitimately delegated, twelve of the older sisters received the religious habit in the principal church of Saint George in Alise-Sainte-Reine on November 21, 1617, assuming the name of the Sisters of the Most Holy Trinity; and after completing their novitiate properly, on December 2, 1618, they pronounced their vows along with six other sisters. By the unanimous vote of the sisters, the Reverend Mother Alexia was elected General Superior of the Congregation and, in the year 1620, set out for the city of Saint Nicholas to fulfill her duties, but after three months, weakened by illness, she was forced to return to the house in Nancy. During her illness, this humble handmaid of God, always acting with the spirit of a servant rather than a superior, earnestly requested and obtained that Angelica Milly, whom she recognized with filial joy and humility, be appointed as her substitute and as Superior of the Congregation. Finally, Alexia, accustomed to almost daily struggles against evil spirits, and having emerged victorious from the most intense conflict, after receiving all the sacraments of the Church, peacefully fell asleep in the Lord on January 9, 1622, at the age of forty-six. The fame of the sanctity of the Servant of God.

[*Latin ed. p. 545*]

FROM the Sacred Rituals, number 545, in the life and after the death of Karlova, a path was opened, ever more clearly, for the Ordinary Process proceeding in the Court of Saint Deodatus, which was duly completed and brought to Rome, and presented in the Acts of the Congregation of Sacred Rituals. With the Most Reverend Lord Archangelo Lolli, Canon of the Lateran, present, as Postulator of this Cause, and after considering numerous petitions from Most Reverend Cardinals, Most Reverend Prelates, and Superiors General of Orders or Regular Congregations, along with the most earnest commendation of Francis Joseph, Emperor of Austria and King of Hungary, and after the Most Reverend and Reverend Cardinal Lucidus Maria Parocchi, Bishop of Porto and Santa Rufina, Relator of the same Cause, with prior Apostolic dispensation from the intervention and vote of consultants, in the Assemblies of the Congregation of Sacred Rituals, convened at the Vatican on a certain day, the following question was proposed for discussion: "Whether a commission should be appointed for the Introduction of the Cause, in this case and to this effect?" And the Most Reverend and Reverend Fathers entrusted with the safeguarding of the Sacred Rituals, after the report from the Most Reverend Proposer himself, and after hearing the voice and written opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and after carefully considering all things, it was deemed necessary to respond: "Affirmatively, that is, a commission should be appointed, if it pleases the Most Holy [Pope]." On February 11, 1899. Subsequently, a report was made to our Most Holy Lord,

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Pope Leo XIII, by the undersigned Cardinal, Prefect of the Congregation of Sacred Rituals, and His Holiness, approving the decision of the aforementioned Congregation, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servant of God, Sister Alexia Le Clerc, foundress of the Institute of Our Lady, on the twenty-first day of the same month and year.

C. CARD. MAZZELLA, EP. OF PRAENESTIN.

5. R. C. Pref. L.

"S. D. PANICI, Acts, Vol. XXXI, page CCCLXIX. S. R. C. Secret. 35"

[*Latin ed. p. 546*]

FROM THE SACRED RITUAL, CANON 546, ANDEGAVEN. Concerning the beatification and canonization of the Servant of God, Joan Delanoue, foundress of the Congregation of Sisters known as the Sisters of Saint Anne.

(1) OBSERVATIONS OF THE REVEREND FATHER PROMOTOR OF THE FAITH REGARDING A DOUBT: Whether the commission for the introduction of the cause should be signed, given the circumstances of the case, to the Most Reverend and Reverend Lord.

It would certainly be pleasing to bestow heavenly honors upon Joan Delanoue, who, rescued from Jansenist errors by Divine grace, undertook a work of charity, providing a safe and certain refuge for poor and exposed girls. Since she accomplished this with singular divine prudence, she deserves to be called "Divine Providence." However, some obstacles seem to stand in the way of this auspicious outcome, and foremost among these is the fact that the Servant of God passed away in the year 1736, and only recently has consideration been given to introducing her cause. Thus, it may be that, lacking legitimate and sufficient proofs, one must resort to the benefit of subsidiary proofs. In this case, the decree of Benedict XIV, of the year 1741, must be carefully considered, and its requirements diligently observed. However, certain things must be stated beforehand.

CHAPTER I. OBSERVATIONS: It is known that the doubt regarding the signing of the commission cannot be resolved unless the writings of the Servant of God, concerning whose cause consideration is being given, have been reviewed and approved. The Postulators of the cause have indeed endeavored to accomplish this, and in the Ordinary Congregation of December 19, 1893, it was decided before the Most Reverend and Reverend Fathers to proceed to further steps, attending to the non-repetition of the writings (Decree, in Summary). However, the Reverend Father Francis Ory, S.J., a witness, in document number 4 concerning the original documents pertaining to the Servant of God, states: "Manuscript 4, of format 12, entitled 'Extracts or fragments of discourses, conversations, which Sister Delanoue... had at (1) Recollection,' volume, pages 380, 417 and following,

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in order to have the complete process of Joan Delanoue."

[*Latin ed. p. 547*]

FROM S. G. RITUUM 347, these sisters... and this... contains 15 conversations on various points of Christian life, addressed to the religious. The first one alone was written by the hand of the Servant of God; it is like a draft and an abridgement of her Rule. And indeed, among the manuscript documents examined in the proceedings, there is a manuscript of which the witness speaks, in which Chapter I, entitled "Avertissement," follows, and is placed beneath: "The only one written by her own hand (D. F.), which is like a draft and an abridgement of her rule." Therefore, unless this writing has been legitimately sought, properly examined, and approved, it cannot, by law, proceed further. The witness states that this writing of the Servant of God is not her own, and the same witness states: "All the writings, true or supposed, of the Servant of God are contained in the documents that I am submitting." Furthermore, under the signature in the Register of Association Proceedings, there remains no autograph of Jeanne Delanoue. But since the autograph is lost, does that mean it is not a writing of the Servant of God? Does it not follow that, under the law, writings should be sought and examined?

CHAPTER n. Concerning Proofs. To ancient causes, which, due to the lack of witnesses, should have remained perpetually silent, Benedict XIV gave a celebrated decree in the year 1741, in which he established that ancient causes could indeed be pursued, provided that two things are demonstrated: first, that there has been no fraud or culpable negligence on the part of the petitioners, which has caused the Apostolic investigations to be delayed until no witness of direct knowledge remained; and second, that subsidiary proofs are suitable and, in their kind, are perfect. Therefore, in order for the proponents of this cause to enjoy the Benedictine indulgence, it is necessary to demonstrate these two things. But what about themselves? As for the first, the elegant argument of the advocate is entirely silent, and the witnesses are silent: only witnesses 32 and 48 candidly state: "We were rather astonished that the Religious of St. Anne had waited so long to promote the veneration of their foundress, and had allowed precious memories to be lost. I bitterly regretted that, soon after her death, no effort had been made to conduct the canonical inquiry that would have allowed the collection of valuable facts for her cause." Therefore, it is necessary that the causes of delay in...

[*Latin ed. p. 548*]

548 From the Sacred Canons, a medium is presented, which, unless it is done, the cause before this tribunal will necessarily remain suspended. (Cf. Benedict XIV, Book III, Chapter III, pages 17-25). Regarding the second point, I will say this: subsidiary proof, in its own genus, is not perfect in this

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case. For, although the Ordinary investigation of Angers, with regard to the external form of the acts, presents nothing that must necessarily be brought forth here, especially if one considers the so-called "documents," about which a more opportune time for speaking will arise later; and although I do not deny that those six witnesses, all of whom are over sixty years of age, are suitable and honest, nevertheless, the proof that arises from their testimonies cannot be said to be perfect in its own genus. Indeed, these witnesses are entirely concerned with revealing what is already recorded in the histories; they have not a single word to say about the tradition received from their ancestors. Certainly, I do not deny that some witnesses may bring forward some tradition among the causes of knowledge. But this tradition itself is entirely generic; and these same witnesses obtain specific knowledge only from the histories. Therefore, those who declare that they have not read the "Commentaries on the Life" (questions 9 to 22), in which inquiry is made about the entire life of the Servant of God, and especially about her virtues, her supernatural gifts, and the reputation for holiness with which she lived and flourished, answer simply: "I know nothing" – Witness I, questions 9 to 25, which is the last; "I have nothing to add" – Witness V, question 9 to 22; "I know nothing" – Witness XVI, question 9, 22; "I know only what the general tradition recounts" – Witness XIX; "I know nothing in particular" – Witness LV; "I know nothing" – Witness LVIII; "I know nothing" – Witness XLVII, questions 9-22; "He gave no answer" – Witness LXIII. Likewise, the witnesses who have read the "Commentaries on the Life" give the same answers to the same questions 9-22, either "I know nothing" or only "I know what I have received from the written documents." (Cf. Witnesses IV, XVIII, XX, XXI, XXII, XXIII, XXIV, XXVI: "I know only what I have read in the Articles"; XXVII, XXVIII, XXIX, XXXI, XXXII, XXXIII, XXXVIII, XXXIX; Witness XL: "He gave no answer"; XLI, XLIV, XLV, XLIX, L, LI, LII, LIV, LVI, LVII, LXV and I *ex officio*; LXVI and II *ex officio*). Since these things are so, this proof from the witnesses cannot be called perfect, but must be considered as a support. If the question were raised (as in our rite, Benedict XIV), whether in the matter now under consideration, a more valid proof should be established on historical evidence, or on the testimony of witnesses based on hearsay and public opinion and reputation, perhaps...

[*Latin ed. p. 549*]

From the Sacred Ritual, 549, it might be defined by answering that historical accounts and testimonies, when they constitute equal proof, provided that the testimonies are based on a cause of knowledge derived from the common and continuous reputation transmitted by trustworthy ancestors to those who testify. But if they establish the cause of knowledge based on what is read in historical accounts, as has often happened, then the force of the proof established by the historical accounts, and the testimonies, will ei-

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ther be a valid support, or will obtain the efficacy of a lower degree of proof. From these things, which we have discussed thus far, it is evident that the principal foundation of this cause must be based on historical documents. Regarding these, and the trust that should be given to them, Witness 64, Father Francis Ory, S.J., speaks extensively. "I have read the works of six historians who have written about the Servant of God. Three have composed their books based on original documents, namely: Mr. Céver, Chaplain of the Benedictine Nuns of Our Lady of Calvary, in Chinon; Macé, Chaplain of the Hospice of Providence in Saumur; and Voleau, Chaplain of the Mother House of the Sisters of Saint Anne in Saint-Florent. Three others, namely: Dom. Chamard, Jean Bodin, and Célestin Port, are simple biographers, authors of second-hand accounts, who, for the most part, have taken previous writers as their guides." Therefore, it is fitting to speak of the three former, but since, of these, the first, namely Céver, seems to be the most valuable, since his Commentary on the Servant of God was published only six or seven years after her death, namely in the year 1743, while the other two, Macé and Voleau, who wrote most recently, the former in the year 1845, and the latter in these most recent years, namely in the year 1882, frankly admit that they followed in Céver's footsteps; therefore, it is best to inquire about Céver. There are two works attributed to Céver: the first, entitled "Discourse on the Life and Virtues of the Venerable Sister Jeanne De La Noue, Foundress and first Superior of the House of Providence in Saumur, who died on August 16, 1736, in the odor of sanctity"; the second, which is entitled "Extracts or fragments of discourses, or conversations, that the Sister Delanoue, first Superior and foundress of the House of Providence, had with her Sisters on various points of Christian and religious life"; both of these, it is stated, were found in the archives, the first having been printed by the press in Angers in the year 1743, the second, having been lost in its original autograph, being copied from a certain apograph, as Witness 64, Father Francis Ory, S.J., affirms. "I will deposit," says the Witness, "a manuscript copy, which I myself have collated line by line, and word by word with the original."

[*Latin ed. p. 550*]

550 From the *S. C. RITUUM* exemplar, the unique one which the Sisters carefully keep at the Mother House. This ancient exemplar itself is only a copy. What has become of the original manuscript of such an important work, that is, the autograph of Céver? It has disappeared, we do not know when. "Note, by the way, that the Witness prepared the exemplar on his own initiative, without any order from the Tribunal, to which only the task of demanding an exemplar would have been assigned, which, after being heard and approved by the Judges and the Public Prosecutor, should have been included in the proceedings. Since this was not done, the exemplar prepared by the Witness cannot be considered legitimate." But now, let us

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see what authority Céver has. First of all, it is not certain whether Céver is truly the author, since the author's name is missing from the work. "II (that is, Céver), says Witness LXIV, concealed his name, and it is only through oral tradition, perhaps fixed by a small note, which I read after the dedication epistle on the handwritten copy of the Sisters of Providence, that we learn that the author of the Discourse is Mr. Céver, Chaplain of the Ladies of the Calvary of Chinon, 1741." Note from the register in folio, "and see from what sources the author drew his information, whoever he may be." He himself, in the preface which he places before the Commentary on the Life, which he writes for the Sisters by the hand of the Handmaid of God, explaining the reason for the work he has written, says: "I could not refuse, my Reverend Mothers and dear Sisters, the request that you have made to me through your Mother Superior, to trace the history of the life and the portrait of the virtues of that one whose memory is so dear to you. I first argued with myself whether I should undertake this work. The apprehension of not succeeding, which my inadequacy must have inspired, the little knowledge I have of her actions, having seen her only two or three times, and that for very short periods each time, the confusion that I noticed in the extraordinarily long memoirs that you presented to me, and which could hardly be otherwise, since you only collected them after her death, and that, according to your own admission, her humility led her one day to have those burned which she discovered you were writing during her life." Therefore, Sisters, while their parent was still alive, they sent letters to her daily. And indeed, if you listen to Witness LXIV, R. P. Ory: "It is manifestly evident, at first glance, that this collection of notes was made from detached writings read day by day, at random, during a very busy life and at very different times."

[*Latin ed. p. 551*]

From the Sacred Rituals, 551, a certain Sister, Mary Laigle by name, is said to be the author of these accounts, who had used the familiarity and custom of the Congregation of the Ladies of Divine Providence, and who, in her place, continues the testimony LXIV: "Based on a certain conjecture, it is believed that Sister Mary (that is, Mary Laigle) initially intended to write the Life of Jeanne Delanoue herself, which is the general title she gives to her memoirs, and which she repeats in her own hand at the top of the first 33 pages of the Register; since she moved to Céver and continued her work, having taken all the notes on loose sheets..." These comments still exist. A similar account, also with private authority, was produced by Witness LXIV, which is included in the records, and about which the cited Witness states: "The most important document in this trial are the Memoirs of Mary Laigle, which occupy the first 125 pages of a large folio Register, carefully preserved at the Mother House of the Sisters of Providence in Saint Florent. I will deposit a copy of it, which I have verified word for word

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against the Register itself, and of which I guarantee the accuracy, having made with my own hand the few corrections necessary to ensure perfect conformity." However, it is doubtful whether these accounts truly belong to Mary Laigle; indeed, Witness LXIV states: "I must point out that the large Register is not titled: Memoirs of Mary Laigle, but only: The Life of our very dear Mother Jeanne Delanoue, and that..." With these points in mind, the Witness concludes: "The name of Mary Laigle is not written after the initial title; therefore, it is the strength and evidence of the tradition of the Sisters and the practice of historians that have commonly given the large Register the name: Memoirs of Mary Laigle." Certain accounts are narrated in these memoirs which seem unbelievable. It will be helpful to examine one or two of them. Witness LXIV, reporting from Mary Laigle, states: "She (D. F.) was transported in spirit, where she was told: 'Come with me, and I will present you to the Queen of Heaven'; I presented to her all the girls of this place, but she did not want to accept any of them; there is only you left to present to her... She was led to this great Queen of Heaven, who came forward to meet her, embraced her, and said to her: 'There you are, there you are, the one I have been looking for for so long!' And (she) made her take a seat beside her, showed her great affection, and then the Queen disappeared!" (Mary Laigle, p. 12). Afterwards, Jeanne, still in ecstasy, had a vision of Hell: she felt overwhelmed to see all those da-

[*Latin ed. p. 552*]

552 FROM THE SACRED CONGREGATION OF RITUAL: then she fell into a place where she saw a great number of people, who were like beasts in tanneries; she hastened to want to enter there to deliver them from this pitiable state... Men, whom she earnestly begged to come and help her to rescue these poor people, only mocked her; she found herself transported, and wanted to go and find others... At that moment, she found all those who had been associated with her from the beginning, and the youngest of them mocked her, and our Sister Delanoue, transported by zeal, thrust a sword into her side and left her there... Finally, the Most Holy Virgin appeared to her again towards the end of this long vision, and presented her with a Rosary and one to Mr. G-enneteau (hic erat S. Dei Confessarius): both had difficulty in reaching them, and the Most Holy Virgin said to them: "Those who attain to this Rosary will have the grace." But that is enough; for from these things it is clear how much importance should be given to the writings of Maria Laigle; and therefore, how much authority should be given to Céver and others who have written about this servant of God. For all of them, and first among them Céver, drew the material for their writings from the writings of Maria Laigle, as if from a single source. But now, regarding the proofs, what we have said so far is sufficient to make us rightly and justly very much doubt the validity of these things. CHAPTER III. Concerning the Reputation of Sanctity. Our law commands

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that the origin of the reputation of sanctity must be diligently inquired into; so that it may be clear whether it arose from probable causes, that is, from the excellence of virtues. Now, let us hear what was the origin of the reputation of sanctity of the Handmaid of God: "The faithful had such a reputation for sanctity that, according to her first historian, pieces of her clothing were cut off and kept as relics." Therefore, the reputation of her sanctity did not arise from her virtues, but from those writings, which I noted above to be of such importance; since they were composed of the imaginary accounts of the Sisters, who recorded in writing all the actions of their devoted mother, and everything that they considered to be the most heavenly gifts. Moreover, it is not surprising that those who have learned about the life of the Handmaid of God, not from her actions, but from the writings of the Sisters, have read those wonderful and almost singular things, and have come to the opinion of her sanctity. For who would not call her holy, that Virgin of God?

[*Latin ed. p. 553*]

From the Sacred Ritual, 553, she embraces most affectionately? To her, even the Most Holy Virgin delivered a prayerful crown, so that whatever she might ask, she might obtain? And she, while living, descended into Hell? Surely, one would call her holy, who, above all, used a harsh and repulsive food, so that she surpassed even the most austere hermits? Now, since we have touched upon this austerity in the life of the Handmaid of God, it is best to note that the things contained in those commentaries are so ridiculous, so absurd, that they manifestly appear to have been drawn not from the truth of the matter, but from the convoluted minds of the Sisters. Thus, for example, consider what you have about the lice in those commentaries. Indeed, Mary Laigle herself told me how these lice tormented her, and how she could never bear any of them; and as she asked the good God to make her do penance, He sent her this vermin, which gnawed at her even to the marrow of her bones. And other things, lest they offend the ears, were requested to be recounted in Latin, in volume LXIV. After recounting these things, our Sister received the wretched habit of that poor woman, who was found on the spot where she perished, of which she had made a sack from one of her stockings. "This sack was completely filled with all kinds of crumbs of bread, infested with lice and fleas." This wretched bread, our Sister took with her, and finally, she extracted it from the sack and placed it in a bowl. "The lice then seemed to move more widely in the bread, just as ants are seen to stir in their tunnels." Our Sister then baked the bread with the lice and ate it all together. These and other similar things, which, if I am not mistaken, should rather be attributed to vice than to virtue, are recounted in those commentaries, from which the fame arose, as if they were acts of heroic virtues. Lest what I say be considered an exaggeration, hear Mary Laigle exclaim: "It was a heroic sacrifice, what then? to not sell or

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keep the shop open on the holy days of Sunday." The matter, as recounted by witness LXIV, who drew from the commentaries of Mary Laigle, is as follows: "Mr. G-enneteau did well to refuse our penitent, for she had been seeking a Confessor for a long time to help her advance on the path to perfection. Finally, he accepted her, but on the condition that she resolve not to sell... nor to keep the shop open on the holy days of Sunday. Our penitent listened attentively." If obeying divine commands, if doing what all good people do, is heroic, then the whole world is endowed with heroic virtues. Furthermore, concerning heroic virtues and perfect sanctity, John-

[*Latin ed. p. 554*]

554 FROM THE SACRED RITUAL, or even the biographers themselves, seem to have doubted, when they say that the soul of the Handmaid of God was delivered to the fire to expiate. Céver writes: "Concerning this life, which is destined for eternity, she found no obstacle to seeing God face-to-face immediately; or at least, the last trial she had to endure after her death, in order to enjoy the sight of her Creator, was not of long duration." But the witness, Monsieur XXXIII Vaumônier, currently of the Community, after having examined all the documents, stated that Saint Anne said to Monsieur Voleau: "My conviction is that Jeanne Delanoue passed through Purgatory." Furthermore, a certain monk, devoted to the Monastery, after having examined all the documents, came to this conclusion: unless Jeanne lived and died just like all other Christians, who indeed lived well, but not heroically? Finally, if Jeanne had such a reputation for holiness, as is asserted, there would have been a large crowd at her tomb; but we know that the body of the Handmaid of God was transferred several times to one place and then to another, but there is no witness, except perhaps one or two, who remembers the tomb. But these are the words of Benedict XIV: "I can testify that, while I held the office of Promoter of the Faith, a certain cause for the beatification of a Servant of God was prejudiced; because there was no crowd present; or, if there was a crowd, it had already ceased to gather at his tomb." And this is the matter; it remains to say: CHAPTER IV. Of Obstacles. What we have said so far, both about the proofs and about the reputation for holiness, is sufficient to say that the Commission for the introduction of the cause of the Handmaid of God, Jeanne Delanoue, should refrain from proceeding. For you have obstacles, which, as Benedict XIV said, are not easily overcome, but rather seem impossible to overcome in a formal examination of the cause. There are obstacles in the proofs, which are all based on the commentaries of Marie Laigle, and there is no hope that they will be supplemented by new documents from the Apostolic archives. For everything that Céver and other biographers have said about Jeanne, down to our own time, seems to have been drawn from a single source, the commentaries of Marie Laigle, which is a document of great authority. Hence, in addition to this, there will be an insurmountable obstacle,

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namely, that which prevents excellence, brilliance, and, as is customary,

[*Latin ed. p. 555*]

Let us employ the language of the Sacred Rituals, concerning the virtues that are relevant; but also that which hinders the proof of these virtues. Hindering is the reputation for sanctity, not born of the brilliance of virtues, but from those things which are narrated about the Handmaid of God, which are fabulous and filled with falsehoods. Also hindering are those marvels which are widely reported about the Handmaid of God, concerning which we have already deliberated, and which the same Handmaid of God, Mary Laigle, did not hesitate to recount; which caused the Witness LXIV, Father Ory, to say that the commentary of Mary Laigle is of the greatest authority, because what she wrote, she received from the mouth of the Handmaid of God herself. Indeed, her words are: "Finally, Sister Mary (Laigle) was a well-informed witness. Having entered the Providence in 1706, and having become, from 1712, the confidante and, as it were, the Superior of her Superior, the Servant of God, she remained constantly with her for 30 consecutive years, never abandoning her, observing her with vigilant admiration, and recording her memories in her daily notes. The narrator saw and heard immediately what she recounts, as she herself recalls at every moment in her memoirs. I saw... it was she herself who told me... she did me the honor of communicating... etc...." You might think that in a matter so grave and full of danger, the Handmaid of God acted with the counsel, or at least with the permission, of a Confessor. But you are greatly mistaken, for she indulged her own nature, which was guided by only one thing, disregarding the counsel of the Confessor, indeed, resisting the Confessor. Many actions demonstrate this; hence, this is also the argument used by the aforementioned Witness LXIV, Father Ory, to extol the authority of Mary Laigle; for he says: "Despite the admiration and affection that she (Mary Laigle) has for her good Mother, she says what she thinks frankly. For example, our Mother spoke in a blameworthy manner to her Director: for she declared to him that she would never allow her niece to carry any merchandise in the markets... that it was not these things that provided for the needs of so many poor, but that it was the Lord who provided for the needs..." But the Handmaid of God felt differently, and she was so determined to engage in business, even on Sundays, that it was necessary to make a heroic sacrifice in order to cease from this practice, as we have seen. But there were other things, in which the Handmaid of God, although she obeyed the Confessor, did not hesitate to contradict him. When it was a question of accepting certain postulants who did not enjoy good health, all the Sisters, with the Confessor himself at the head, refused.

[*Latin ed. p. 556*]

556 From the Sacred Ritual: The Handmaid of God, who believed herself

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to be moved by divine inspiration, resisted all of these things with great firmness. The matter, as it happened, is described in the commentaries of Marie Laigle, in the chapter: "Other Knowledge Concerning Charity," where it is written: "But our Sister (D. F.) began to say to the Lord: 'You wish that I give the habit to these postulants, but our Director and the Sisters oppose it; I do not even have enough fabric to give them habits, and there are lacking four or five ells.' She knew that she should not be troubled and that there would be enough. Our Mother, who was always afraid of being deceived, said: 'Lord, I will not believe that it is You who wish that these postulants have the habit, unless You have given me fabric; but she knew that she had enough, but she said: 'I do not have enough; there are lacking more than four or five ells for the three habits, but she knew that she only needed to have them cut and that she would have enough. She did not wish to have them cut without the permission of her Director, and as soon as she made her proposal, he opposed it and said that he would never consent, because he knew that the Sisters would oppose it. Our Mother said to the Lord: 'My Director does not wish that the postulants have the habit'; then she knew that she only needed to have the habits cut and that she would find enough and that she would make the truth known to her Director. Because she was in uncertainty as to whether it was true that there would be enough fabric, she had them cut, and it turned out that the thing was true, as she had known. On the day that the fabric was cut, the Director was found at the house, and he asked her: 'What are you doing there?' She said to him: 'My father, I wanted to see if what I had known was true, and it is true; I find all the fabric, as I had known.' Her Director said to her: 'Then do everything that the Lord inspires you to do; I do not consent to what you are doing.' Sometimes also, she assigned to herself parts of the role of Moderator of the consciences of her Sisters. For example, in Céver: 'Several young girls of the House of Providence, having confessed and prepared to receive Holy Communion on the Feast of Our Lady, went to her (D. F.) to ask for permission. She sent them all away, having learned in her prayer that they had made sacrilegious confessions; she even spoke to each one in particular, with such gentleness and prudence, that she caused them all to confess that, out of shame and fear, they had not fully declared their sins to the Priest; she obliged them to allow her to inform the Confessor, who judged..."

[*Latin ed. p. 557*]

From S. G. RITUUM 557, concerning how best to prepare them, by having all of them make general confessions. The Sister, through the same supernatural light, knew that these last confessions were good, that nothing prevented them from approaching the Sacrament of the Adorable Eucharist, and she then permitted them to do so, and soon a great change was observed in their conduct. Otherwise, the Handmaid of God confided in

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her Director that he should be wary of those to whom he permitted retreats, and that they could harm many, that they could abuse the graces they received there, that he considered certain tears of tenderness, compunction, and union that they shed to be suspect, that there was often much self-love in these effusions, and that it was dangerous to encourage those in whom one had not yet recognized sincere humility. Therefore, it is not surprising that the Confessor of the Handmaid of God, one day, rebuked her in this way: "You do this out of ostentation, and it is pride and hypocrisy that make you act in this way, and not the Spirit of God, and you are trying to cover this up, and you are doing all this of your own accord, without consulting Me." Indeed, the words just related, Maria Laigle adds: "Our good God, who wanted to make His servant suffer, made her Director forget that He had permitted this to her; He took the opportunity to say many harsh things to her in the presence of this Sister; He told her that she was doing this..." But these things must be attributed to the ingrained opinion already present in the mind of the daughter of her devoted mother. And here, a note by the way: the confessor who behaved in this way with the Handmaid of God was not he who, as is said, was afflicted with Jansenism, and whom the same Handmaid of God abandoned after her mother's death, but he who was divinely given to Joanna: The Lord made it known to her (D. F.) that she must change her Confessor. It was then that the holy priest destined by God appeared; he was called Mr. Grenneteau, and was a Director at the Hotel Dieu. These things, if not refuted with diligence, are capable of preventing the cause from arising from this initial judgment. Therefore, after other matters, which will provide a sufficiently broad field for objection, it will be helpful to mention just one or two things before bringing these observations to an end. In the commentaries of Maria Laigle, it is read: "Finally, the Lord wanted this house to be supported by entirely divine help, because He inspired several people to give money to our Sister in order to have Masses said for them, and to..."

[*Latin ed. p. 558*]

558 From the *Sacramentarium Rituum* it is clear that the Lord would receive the sacrifice more pleasingly; and indeed, for the Lord revealed to our Sister that she should use this money without concern, and that there would be holy priests who would relieve her of the obligation of saying Masses; for she had used the money to alleviate the needs of her dear poor. But because our Sister had such a clear conscience and was so apprehensive of being deceived by the evil spirit, she consulted all the priests she could, seeking out the most learned among them. She did not content herself with those in the city, but went everywhere where she could find those capable of giving her sound advice and counsel. In this way, she found a good and holy priest, who was a curate. Our Sister told him how the Lord inspired certain people to give her money to have Masses said, and that

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this money came only when she was in need of assistance for the needs of her dear poor. This is why our Sister spoke so sincerely about her inner thoughts to this good and learned priest. But after he had heard that the Lord was giving her divine guidance, this good priest simply said to her: "Do what the Lord inspires you to do." But to relieve you of the anxiety about the Masses, for which you feel such a great burden of conscience because you use the money for the needs of your dear poor, and which prevents you from fulfilling what seems reasonable and just; but let all this not prevent you from using the money when you are in need. It seemed that this good priest should have relieved our Sister of some of her Masses, but the opposite occurred. Instead, he gave her forty sols so that she could have Masses said at her convenience. But as our Sister was returning from the home of this good priest, she said: "Good Lord, I thought I would receive some consolation from this good priest, and that he might have relieved me of some of the Masses for which I am burdened, but instead, he has burdened me with even more, by having Masses said. But since this came purely from God and not from men, it was permissible for our Sister to consult another holy priest, who lived three leagues from Saumur. He was a true man of God, a great recluse, who went out only to say Mass. He was not burdened with any benefice, and therefore he relieved our Sister of all—"

[*Latin ed. p. 559*]

From the *Sacramentorum Rituale*, number 559, are the Masses for which she had taken responsibility to have said. It seemed proper to reproduce them entirely, as described, so that the matter may be more easily judged. Nor should this be overlooked: Scarcely had Anne founded the Institute of Providence when she suffered grave misfortunes: the small house which housed the hospital, in which twelve young girls were then being gathered for the first time, collapsed, crushing one of the girls and leaving the other eleven with their adoptive mother, without any resources. It was then that, in a certain way, it was said: "There is no longer Providence with Anne Delanoue." However, the Witness, who recounts this, adds: "They were mistaken: Providence was truly beginning." These things are noted so that the Superiors may understand the magnitude of the difficulties encountered in this cause.

RESPONSE TO THE OBSERVATIONS OF THE REVEREND FATHER PROMOTER OF THE FAITH, CONCERNING THE QUESTION: Whether the effect of the Commission for the Introduction of the Cause should be noted in the case of the Servant of God and the Most Reverend Lady.

Indeed, it is pleasing and fitting, in such a time of calamity and disturbance of civil society, while the enemies of the Church, with wicked audacity, attempt to undermine Christian institutions and, in their place, to exalt a vain semblance of beneficence, to present the case before this

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Holy Congregation of a most blessed virgin, who, having set out from our Castro de Ordiales, inflamed by the fire of divine love and trusting only in God, undeterred by obstacles or her own poverty, undertook a work of charity, providing a safe and certain refuge for poor and exposed girls.

Therefore, nothing seems more opportune, more just, or more pleasing to us, than the proposal and desire of the Sisters of Saint Anne of Providence, who, after almost two centuries of devotion, request that the most deserving honors be conferred upon their most beloved foundress, Anne Delanoue, whose life, in the maternal bosom of divine Providence, was entirely...

[*Latin ed. p. 560*]

560 Neglecting the proper observance of the rites, it was a wondrous example of liberality and mercy. "In this age of naturalism, as the Witness LXIV notes, where success is measured only by science and money; in an era of selfishness, greed, and calculated sensuality, the beatification of a daughter of the people who accomplished marvels with only the resources of her faith and devotion, becoming herself a prodigy of charity, detachment, and penance, this beatification, I say, would be a magnificent lesson of the supernatural given to the world, and a striking proof of the maternal love of the Church for the poor and the humble, as well as of her divine power to help, sanctify, and save them." Let impiety inflict upon itself this mortal wound, dealt by an innocent woman, and let it bear this further mark of shame. When these things are brought to mind, and when we consider all that this most courageous woman accomplished for the good of the Church and the benefit of society, and when we commend her memory and the praise of her sanctity to posterity, and when we observe the divine gifts of grace with which she was endowed in life, and the renown of her name which she attained after death, we are lifted up with a more fervent hope for the successful progress of this cause of charity, and, as if by a celestial breeze filling the sails, we are filled with the desire to reach the desired port. Nor can the antiquity of this cause, nor the array of proofs with which we are equipped to defend it, frustrate our hopes; for although the unfortunate events that have deprived this most praiseworthy cause of more abundant testimonies are to be lamented, our most wise Teacher of the law has, as if perceiving from the very beginning that he was a staunch defender of the Faith, granted the benefit of subsidiary proofs, namely, those derived from witnesses and historical documents. None of these proofs, these supports and safeguards, are lacking to us; for we have many ancient documents, the authors of which, both for the sake of knowledge and for the probity of their lives, are most worthy of belief; we have a multitude of witnesses, of every kind and description, who, duly questioned in the proceedings, testify to having heard from their elders, from the very beginning, the things they relate; and thus, a perfect and legitimate testimony of the sanctity of her life,

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her virtues, and her miracles arises, as we shall see below, a testimony that our laws do not require, nor can the most skilled of those who administer them always achieve in ancient causes.

[*Latin ed. p. 561*]

From the Sacred Ritual, 561: Before, however, the causes attain merit, certain preliminary matters must be addressed concerning the writings of the Handmaid of God, lest the established order be disrupted by the most astute Examiner, who, before considering those matters pertaining to proofs, has placed notes concerning certain writings that were not presented; next, he gives place to those in which the sanctity of the aforementioned is impugned; and finally, he places obstacles, by which the vice of the Handmaid of God or the lack of virtue is presumed. Therefore, following the same order, I will expound and resolve separately the force and strength with which each individual matter is endowed: and I shall do this all the more eagerly and willingly, because I see no difficulty of such importance that it could impede the successful outcome of the cause. Let the CHAPTER be: Concerning Preliminary Objections. Those objections raised in the preliminary notes contain nothing that would require the laborious effort of the defender, provided that it is uncertain whether that writing, which, according to the Examiner's judgment, should have been presented in the legal investigation of the writings of the Handmaid of God, can be attributed to her; indeed, quite the opposite is inferred from the preface, which the historian Céver appended in the manner of a warning. Therein, the aforementioned writing is first presented along with excerpts of sermons and sentences that a certain member, Mary Laigle, had extracted from the mouth of the Handmaid of God and had entrusted to her, and the historian, having received them, appropriately corrected them, and arranged the corrected passages in a more elegant form for printing, so that these monuments of maternal affection might constantly be pleasing to the eyes of the daughters, and thus those who read them might be encouraged to follow in her footsteps. From these things, it is manifestly evident that no one can establish the original form and nature of a writing, about which there is a question, when such changes have been made, which it is not undeservedly to be feared, by which the original document can no longer be considered an authentic exemplar. Although it is noted on its front: "the only writing of her hand (namely, of the Handmaid of God) which is like the draft and abridgement of her rule," it does not, therefore, follow that nothing was changed or corrected by the historian Céver, whose words, as mentioned above, must be understood as general, referring to all the documents described by him in that code when printed. And therefore, a contrary persuasion about the agreement of those writings with the authentic writings of the Handmaid of God is to be rejected, *Acta, Vol. XXXI,

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p. CCCLXIX, 36*.

[*Latin ed. p. 562*]

562. The Extraordinary General Chapter forcefully promotes and strengthens [the cause]. I believe that this annotation was added by the historical document of Céver for the purpose of informing those reading the origins and sources from which all the documents compiled by him in his work were drawn; and not to assert the integrity of the document written by the Handmaid of God. Otherwise, the General Superior, who holds the aforementioned document, could not have said: "The Handmaid of God left no writings; we only possess her signature on the acts." Nor could Sister Mary of St. Paul, who had spent thirty-four years in the same Congregation, have affirmed the same, saying: "I know nothing that came directly from the Handmaid of God." Therefore, since it is clear from what has been said so far that certain additions, deletions, or revisions have been made by another hand in the document attributed to the Handmaid of God, it rightly follows that those involved in the cause can, without impunity, abstain from adhering to its tradition until an autograph is found, which, under the authority of the law regarding the revision of writings, is the only one that matters. If, however, any doubt still lingers in the minds of the Most Reverend Fathers, nothing can more certainly dispel it than the present argument; for we have before us the document repeatedly mentioned, which was spontaneously presented in the acts by the daughters of Joanna, Father Francis Ory. And the Most Reverend Defender of the Faith, of whom there is no doubt that he has carefully read and examined it, must acknowledge that he found nothing in it that was not excellently conceived or piously transmitted, and that it is so clearly free from any flaw that it seems superfluous to subject it to the examination and judgment of even the most rigorous censor.

CHAPTER II. Concerning Proofs. Since the Handmaid of God, whose cause of introduction we are now discussing, was taken from this life in the year 1736, and the ordinary process was instituted long after her death, namely in the year 1788, we freely and readily admit that the necessity was imposed upon us to make use of the benefits of the Constitution promulgated by Benedict XIV in the year 1741 for the causes of ancient Servants of God, concerning whose lives and virtues witnesses could not be present. It will not be out of place, for the sake of greater clarity, to quote the well-known passage from the Benedictine Constitution: "Ex..."

[*Latin ed. p. 563*]

From the Sacred Canons, 563, with a certain equity, so that, indeed, it may not happen that causes, otherwise worthy of being promoted by the judgment of God and men, are utterly and permanently abandoned solely because of the absence of eyewitnesses, sometimes due to a fault that is

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not culpable; especially when, not rarely, God is heard to manifest Himself through clear signs and prodigies from Heaven, and, without attending to this, He may invite His friend, as mentioned above, to ascend; subsidiary proofs may be admitted in the causes of the simple Servants of God proceeding through a non-liturgical process; provided, however, that it has not been established that the initial proceedings were unduly delayed through malice or culpable negligence, to the point that no eyewitnesses remain (Benedict XIV, Book III, Chapter XXIV). From these words, the most wise Pope is clearly seen to have established a just path for those causes which, due to their antiquity and the rigor of the law, could not be undertaken, or, if undertaken, could not be brought to a conclusion, due to the lack of eyewitnesses, by admitting subsidiary proofs in those cases, which, indeed, are made up of testimonies from hearsay and historical documents; however, not all causes lacking direct proofs, nor all subsidiary proofs, are admitted; but only those causes, and those under the conditions specified in the Pontifical decree. In order for a petitioner to enjoy this kind of indulgence from the Holy See, two things must concur: first, that there must not have intervened any fraud or culpable negligence on their part, from which it resulted that the Apostolic investigations were unduly delayed, to the point that no eyewitness remained; and second, that the subsidiary proofs presented are suitable and perfect in their kind. The praised Pope mentions these conditions individually in the declaration which he places before the aforementioned decree; the most astute Censor appropriately reminds us that both conditions must be carefully considered at the outset of our case, and we gladly follow him in this. Although no testimony, nor any document from us, has been presented, indicating the reason for the nearly sixty years of delay between the death of the Handmaid of God and the commencement of the ordinary process, it is not permissible to call this delay deceitful or culpable, nor to suggest a suspicion of deceit or culpability, since not a single word, nor a sign, nor a fly, nor anything from the records of the investigation, nor from any other documents, indicates malice, fraud, or culpable negligence. The well-known maxim of law: "Dolus et culpa numquam praesumuntur" (Deceit and negligence are never presumed). This principle, which holds true in all judgments, has even greater authority in our case, as Cardinal Petra points out.

[*Latin ed. p. 564*]

564 FROM S. C. RITUUM 11 (referring to Apostolic Constitution, Vol. 3, page 93, no. 9): In this matter of Canonization, no one is presumed to wish to deceive, especially among Catholics; hence, any suspicion that urges in the contrary direction must necessarily be vehement and forceful according to our law, and it must arise and be clearly established only from great, urgent, and forceful arguments, so that it not only influences the mind of the judge, but compels him to believe, as Farinacus observes in Quaest. Crim.

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187, no. 36. A vehement or great suspicion is said to be that which arises only from great, strong, and forceful conjectures and arguments. And in no. 43, a violent suspicion is said to be that which compels and constrains the judge to believe. Where, I pray, are the arguments and forceful conjectures from which a violent suspicion can be constructed, which would not only compel but force our most wise judges to believe in deceit, fraud, or negligence? Even if the reasons for such a lengthy delay in promoting this cause were entirely hidden, there would always be manifest indications and arguments of a fraudulent delay, or at least of culpable negligence. This is perfectly in accordance with the decree of Benedict XIV, who states that such an accusation must be vindicated where it has been established that it previously existed. He himself, in the subsidiary provision which we use in this case, states: "provided, however, that it has not been established that the initial proceedings, according to the ordinary process, were unduly delayed by malice or culpable negligence, to the extent that no witnesses of the facts remained." But not only the authority of the laws and the doctors, but also reason excludes deceit and fraud. What advantage could our cause possibly hope to gain from delay? Certainly, no advantage in these cases, in which delay does not restore the situation, but rather worsens it; for whoever is given a year, erases something from human memory, and destroys the monuments of evidence. And even the two witnesses, whom the Censorship objected to, in order to demonstrate that no cause for such a delay had been presented, clearly understood this: "I bitterly regret," said one of them, "that so soon after her death (namely, the Servant of God), the canonical investigation was not undertaken, which would have allowed the collection of valuable facts for her cause." The other said: "One was rather astonished that the Sisters of Saint Anne waited so long to promote the veneration of their foundress, and allowed precious memories to be lost..." Therefore, it is not the case that the Sisters of St. Anne hoped to "benefit the cause" by delaying, for...

[*Latin ed. p. 565*]

From the Sacred Ritual, number 565, it was the duty of the founders to promote the cause, but by delaying it, they brought about greater obstacles and obscured its examination and outcome, especially since, lacking witnesses to visions, four miracles are required for Beatification, according to the laws. Whoever acted in this way, seemingly with the intention of benefiting the cause, I would not accuse of deceit, negligence, or apathy, but rather of being almost insane. Therefore, no argument, not even a slight one, of deceit or culpable negligence can arise from this prolonged delay. Everyone can see that this is sufficient to remove any suspicion of fraud or fault from this cause, lest it be punished with the perpetual penalty of silence, as if unworthy of the Benedictine indulgence. Therefore, I could freely refuse the burden that the Censorship imposes, while declaring that

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the reasons for the delay must be made known. The common error, by which many were deceived, was that it was not permissible to discuss the causes of the Servants of God, unless fifty years had elapsed since their death; this was the first reason and cause of the delay. Many wise and prudent men, long versed in these matters, have been mistaken in the interpretation of the decree of Urban VIII, by which it was forbidden to proceed to the examination of the virtues of the Servants of God before the lapse of fifty years from their precious death, as we are taught by Benedict XIV, who wrote: "Many, and indeed men of heart and experience, have considered it forbidden by the aforementioned decree to conduct the process, either by ordinary authority or by apostolic authority, unless after the lapse of fifty years from the day of the death of the Servant of God" (Book II, chapter last, number 2). Even if this erroneous opinion about the time at which such causes could be undertaken had not delayed the consideration of the cause of the daughters of Joan, the Jansenist doctrines and movements, which had made the investigation difficult and uncertain, would have caused a prudent person to hesitate and delay. The difficulties of that time are also remembered by the Witness XL V I H, who says: "I regretted only one thing from that moment, that is, that she (the Servant of God) died during the 18th century, a time more harmful than any other, when there was fear of the Saints, who touched upon the supernatural and mystical life." Furthermore, it cannot be denied that the misfortunes of our cause have been caused by the vicissitudes and calamities of time, as has happened to many others, as has been demonstrated to this Holy Congregation. Surely no one is so ignorant of historical events who does not know how much public affairs were disturbed—

[*Latin ed. p. 566*]

566 FROM the Sacred Congregation of Rites, it is evident how much the disunion and ruin of religious families, both in past times and in the present, have afflicted all of France and the Church. Nor could all things easily be restored and brought back to their former order after so severe and prolonged a storm. Therefore, it is not surprising that a long time was required before religious societies turned their minds and hearts to promoting such matters, lacking, as was most often the case, the strength with which to sustain the weight of the cause. It suffices to have indicated these as probable causes of delay, as taught by Benedict XIV, that any probable cause is sufficient to dilute the mark of culpable delay. The petitioners (so to speak) successfully refuted the mark of culpable delay by demonstrating probable causes for which the construction of the Apostolic Process had been delayed for so long. The same is confirmed by the constant practice of the Sacred Congregation, which has always acted with the utmost leniency in considering this fault, although the completion of the Processes has been delayed for a long time. And rightly so, for otherwise, the negligence of

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those who are able to promote the cause would, in a certain way, have punished the very Servants of God whose sanctity is marvelously attested and proclaimed by history, tradition, and divine signs. Another of the conditions required by the decree of Benedict is that the supporting proofs be perfect in their own kind. The most learned Censor argues that the proofs with which we undertook to defend this cause are not such, and, after questioning the witnesses, he declares that all were duly questioned, and that all were suitable and endowed with integrity. What then? The Censor says, "All the witnesses have no word to say about what is already recorded in the histories, nor do they have a single word about the tradition received from their ancestors." Do the words of Witness I mean nothing? "For 30 years that I have been a Religious of St. Anne, I have constantly heard about the Servant of God, especially from the oldest Sisters. Some of them had lived with Religious who were very close to the primitive tradition: all had heard about Jeanne Delanoue, and all spoke of her in the terms of the deepest veneration." Does Witness II, who is ninety years old, have nothing from the tradition of her ancestors? Yet, he ingenuously confessed: "I remember well that my grandmother, born in 1735, before the death of Jeanne Delanoue, had great veneration for this pious person. My grandmother, who died in 1829, I lived with for 32 years. I often heard her say that Jeanne Delanoue had drawn many away from vice."

[*Latin ed. p. 567*]

From the Sacred Rituals, 567, a number of young girls, and she took charge of providing them with work. What shall I say about Witness XII, whose words are these? "I heard about the Servant of God from my mother, who spoke of her as a Saint, and from my great-aunt, a religious of St. Anne, who never ceased to speak of the virtues of the venerable Foundress." Let the Examiner consider, I implore you, the words of Witness XVIII, who is more than seventy years of age. "My grandmother, born only fourteen years after the death of Jeanne Delanoue, often spoke to me of the Servant of God as the epitome of virtue. This memory has always remained present in my mind throughout my life, and what I hear now in my advanced age is in agreement with the memories of my youth." And Witness XX manifestly evokes family tradition when she declares: "Since my childhood, I have heard about the Servant of God, especially in my family. My mother-in-law loved to tell us what her grandmother had said to her: 'My children, you can be proud, and you can tell your children that you had, in this very neighborhood, a true Saint as a fellow citizen.'" More serious are the words of Witness XXIV, who openly declares: "Everything I know, I owe it to my great-grandmother, who was eighty-five years old, after a life entirely devoted to faith and piety." No less serious and explicit are the statements from Witness XLIX. "I," she says, "lived in the house where Jeanne Delanoue died until I was twelve years old, and I remember the

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fragrance of holiness with which Jeanne Delanoue filled our home and the neighborhood. My grandmother obtained the edifying details of her life from her father-in-law, who had personally known Jeanne Delanoue. In our home, this revered name often came to our lips." The same cause of knowledge, namely, the family tradition, is indicated by Witness I, who was called to testify. "I heard about Jeanne Delanoue from a very young age, especially from my mother; her name has been associated with my earliest feelings and emotions." From this, many and glorious things about the sanctity of the Servant of God, which the aforementioned person had learned from her mother, she concludes: "All this information, which she loved so much to give me, she herself obtained from one of her aunts, Miss Chapeau, who was almost a contemporary of the Servant of God and renowned for her piety." We must add to these traditions those that Witness XXXV recalls: "Since I became a religious, I have often heard about our venerable Foundress, especially during my Novitiate, from..."

[*Latin ed. p. 568*]

568. Two witnesses, from our former Sacred Congregations of Rites, testified. They had lived with Sisters contemporary with Jeanne Delanoue, and they always repeated to us: "Be devoted like Jeanne Delanoue." The same witnesses are found in testimonies XLIV and XLV. I could praise many other witnesses who appeal to family traditions or to the testimonies of ancient nuns, but I gladly pass them over; for those whom I have presented provide sufficient certainty, not only about the tradition received from their elders, but also about the ancient origin of this tradition, demonstrating rings passed down from the time of the Handmaid of God, and never interrupted. All of this was not hidden from the most astute Examiner, who, clearly understanding, hastened to temper the accusation that the witnesses were wrongly called upon, as if they had learned all their knowledge from historical accounts and nothing from the tradition of their ancestors, saying: "Indeed, I do not deny that some witnesses may bring a certain tradition among the causes of their knowledge; but this very tradition is entirely general, and these same witnesses have obtained specific knowledge only from historical accounts." I do not believe that anyone will now require further evidence, after what we have presented above, to demonstrate that there are witnesses in the proceedings who have acquired their knowledge from those who have spoken with contemporaries of the Handmaid of God, and who, indeed, do not indicate a general and vague tradition as the cause of their knowledge, but rather domestic traditions and the testimonies of ancient nuns, to which the passage of time has added nothing, nor detracted anything, since the elderly received from the elderly, the more recent from the older, in a perpetual series, never corrupted or interrupted. Furthermore, as we have seen before, our witnesses have been able to demonstrate successfully what defenders in

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ancient causes are often unable to achieve: to recount and describe, with admiration, the rings of tradition by which knowledge of events has been passed down to them, and to associate themselves with contemporaries of the same sanctity, proclaiming and describing her virtues. What more could be desired, in order to say that the witnesses are instructed by a perennial tradition, and that the tradition is legitimately proven by the witnesses? The astute Examiner admits that, in numerous places in the proceedings, it is demonstrated that the witnesses have obtained specific knowledge only from historical accounts. Although it is known in all cases, especially in ancient ones, that not all witnesses are equally knowledgeable, and that often several witnesses are present,

[*Latin ed. p. 569*]

From the Sacred Ritual, number 569, from which only a few things can be excerpted. How many are these, in total? I believe there are thirty-eight. But even if sixty-six of these were removed, twenty-eight remain, with which the weight of the cause can be conveniently sustained. For these clearly declare that they have received specific knowledge, although not required by law, if the discussion concerns virtues, and not merely reputation, having received it openly not so much from historians as from the tradition of the ancients, as is widely seen in their responses, where those discussing specific virtues often explicitly prefer tradition. I could certainly bring forth many things from these as well; but this does not benefit the cause, even though the matter at hand is about specific virtues, provided that they have derived their knowledge from both sources, namely oral and written tradition. Certainly, no one could compel us to bring forward all witnesses ignorant of history, because when suitable witnesses are to be presented, it would be difficult, I might even say impossible, to find those who, although they have learned much through hearing and tradition, have nevertheless neglected to examine written documents, and do not add anything derived from these to their responses. Do we not see this practice in almost all ancient causes? For our most prudent Legislator did not wish the entire weight of proof to be sustained solely by hearsay witnesses; but He assigned a part of the burden to historical documents. Thus He taught: "It is easily understood that virtues and martyrdom can be proven through histories and chronicles, if the cases are proceeding through the way of the *casus* excepted, or in ancient cases, in which, because of the antiquity of time, witnesses of direct observation cannot be obtained. In the aforementioned cases, there is room for subsidiary proof, and in the line of subsidiary proof, history and historical monuments seem to deserve their place. It was added above that, in cases of which we have now spoken, virtues and martyrdom are to be confirmed by historical monuments, but according to a method to be explained. In explaining this method, we say that, according to the practice of the Apostolic See, witnesses of hearsay, and of public opinion

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and reputation, are to be joined with historical accounts, so that virtues and martyrdom may be declared proven, for the purpose of formal Beatification in ancient cases proceeding through the way not of cult." Benedict XIV, Book III, Chapter VII, number 4. From these things it is clear that the censure does not contradict the prescriptions of law and the evident truth of the matter, and that it does not impair the force of that subsidiary proof which is available to us, so that we may legitimately defend this cause. For it is certainly not required that all witnesses explicitly...

[*Latin ed. p. 570*]

570 ACCORDING TO the Sacred Rites, each fact should be explained by what the historians have said, with them swearing that they learned this from their father, and that they learned that from their mother, who was taught by her maternal uncle. This rite certainly cannot be used to conduct an Apostolic or Ordinary inquiry; but it is necessary that there be no lack of witnesses who can testify to what they have heard, and to the public voice and reputation of the historical figure. Therefore, since in our case there are thirty or more witnesses, almost all of whom, not only have been taught and instructed by the public voice and reputation, but also by the tradition of their ancestors, of whom many describe the rings passed down from the handmaids of God of the same era, and whose testimonies fully agree with those of the historians, we have more than what our laws require. Therefore, there is no reason to be concerned about those witnesses whom the Censorship deems to be of no use, because they cannot provide information about the virtues, the supernatural gifts, and the reputation for holiness with which the Handmaid of God shone while still living. Nevertheless, these also should not be completely abandoned. Even if they have nothing to say about the virtues, the supernatural gifts, and the reputation for holiness of the Handmaid of God while she was still alive, they should not be so disregarded, as the Censorship judges. For they have provided ample testimony (which the Censorship does not even bring into question) about the reputation for holiness and miracles, which has constantly persisted after the death of the Handmaid of God and has been passed down to us through tradition, and therefore all the best causes are supported. Indeed, it would be too bold for anyone to think that a complete and legitimate proof of the matter in dispute in this judgment could be made solely from these witnesses. And what, indeed, is being sought in this judgment? Pope Benedict XIV states, "that in order to obtain the signature of the Commission, it is not necessary to prove in detail the virtues and miracles (for that is reserved for another judgment...), but only that the reputation for virtues and miracles must be proven." And the most wise Pope teaches that the reputation for holiness will be well proven by the witnesses if one of them testifies that he heard the people speaking in a certain place, for example, about the virtue of faith, or about certain

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acts of faith, while another testifies that he heard a multitude of people speaking in another place, for example, about the virtue of charity, or about certain acts of charity. Therefore, having considered how the legal proof of reputation can be accomplished, let us see what the witnesses neglected by the Censorship will say and report. Almost all of these testified that they heard their elders speaking about the Handmaid of God, not as about a common and ordinary woman, but as...

[*Latin ed. p. 571*]

FROM S. G. RITUUM 571, but as one distinguished by sanctity, miracles, and a renowned reputation. "I have always heard," says Witness TV, "about the Servant of God, Jeanne Delanoue, as a person of extraordinary virtue and merit, as a Saint." Similarly, Witness V: "By my parents and by people in my circle, I have heard about Jeanne Delanoue as a Saint; I have heard many things attributed to her." Witness XVI adds: "Saint, especially because of the miraculous events associated with her." And Witness Te- she left behind a reputation for incredible charity." Furthermore, Witness XIX: "I have always heard her charity and humility praised especially; and it was said: 'There will never be anyone like her.'" Later, Witness XLVII: "Throughout my youth, I heard my mother and her friends speak of Jeanne Delanoue with the greatest reverence. They recounted her inexhaustible charity, they told us how she gave without counting, without looking to see if there was anything for the next day, full of absolute trust in the Providence that never failed her. And when speaking of her charity, these pious women also spoke of all her other virtues, and they summarized their entire opinion of her by saying: 'She is truly a Saint.'" I will omit other testimonies of this kind, lest the readers be wearied unnecessarily; for those whom I have presented seem to offer something greater than what our laws require to obtain the Commission's approval. For it would have been sufficient to present some who declare that they heard people in a certain place speaking of one virtue or another of the Servant of God, or of certain acts of that same virtue; but it is clear how much more weighty and evident the reputation of sanctity is, as confirmed by our witnesses, who manifestly declare that their elders, as well as the virtues of the Handmaid of God, celebrated, but also that they held her name and memory in the highest esteem, and that she was always considered a saint by all. Therefore, I should not be blamed if I say that legitimate and necessary proof can be obtained in the present judgment solely from these testimonies. But if such is the power of the testimonies that the Censorship considered almost unworthy of consideration, what power shall we attribute to the words of those who have drawn a large part of their depositions from the source of oral tradition? The passage from Benedict XIV is cited to show that our case is among those in which greater weight is given to the authority of historians than to witnesses. If all the witnesses had drawn their knowledge

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solely from historical sources...

[*Latin ed. p. 572*]

572 From the writings of the learned authors concerning liturgical rites, it must be clearly stated that they can only be considered with a certain degree of caution, according to what Benedict XIV has taught. However, in our case, there have been not a few witnesses who declared that they knew nothing of the virtues of the Handmaid of God, except what they learned from reading, but these same witnesses recounted many things about her sanctity and miracles, received from the tradition of their elders; others are found who, although they have read accounts, nevertheless base their knowledge on the common and continuous testimony transmitted by their trustworthy elders, and often, when describing her virtues, they give preference to tradition, claiming that it has equal force and authority with proven historical accounts, and that it constitutes equal proof. Let the Fathers diligently examine the summaries and tables compiled with piety and diligence; let them inquire into the sources of knowledge, into the individual virtues, and let them themselves say and judge whether the long passage of time, which separates our era from that of the Handmaid of God, has erased the specific proofs of virtues required in these cases. After carefully considering these matters, the most astute Examiner, moving from the witnesses to the historical documents, declares that one is to be held above all others as of the greatest value: namely, the account of the life of the Handmaid of God, published by a Priest, Céver, in Angers, just six or seven years after her death, in the year 1743, and which more recent historians acknowledge as their source; therefore, it is necessary to inquire about this Céver. We, too, gladly agree with the Most Esteemed Examiner to limit the scope of the question to this one account, reserving the more serious examination of the virtues for later, since we are in no way compelled or persuaded to seek refuge in other documents, when such things emerge from the work of Céver alone, which, combined with tradition, constitute complete and perfect proof of the sanctity of the Handmaid of God. "Of all the historians of Jeanne Delanoue," says Witness LXIV, "Céver is undoubtedly the one who has the most authority; in this respect, he is quite exceptional." Now, since this same Céver, in addition to the account published in print, wrote another codex, in which he compiled the sermons and maternal admonitions received from the Handmaid of God by her companions, and since an exemplar of this codex, prepared by the aforementioned witness, was soon presented by him, along with other documents, to support his testimony, the most pious Defender of the Faith, before proceeding to examine the principal work, noted, incidentally, that this exemplar could not be considered authentic, since it was privately

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compiled by the witness himself, without any [ecclesiastical] approval.

[*Latin ed. p. 573*]

According to the mandate of the Sacred Rites, number 573, it was the duty of the notary to provide a copy, which, after being heard and approved by the Judges and the Public Prosecutor, was to be included in the proceedings. However, it is clear and understood that these legal formalities pertain only to documents whose authenticity might seem uncertain or ambiguous, and which are most often requested by the Prosecutors to be included in the record to aid in the proof. They do not, in any way, pertain to documents obtained from sworn witnesses from a private archive or from a reliable source, and presented to explain or confirm their testimony. For, if full faith is to be given to the answers given by witnesses before the Holy Tribunal, then the same full faith must also be given to the documents presented by them in confirmation of those answers, which they declare to be authentic, and which should be considered as part of and an adjunct to their testimony. Therefore, when Witness LXIV presented certain documents "to confirm my depositions," as she herself stated, and declared that the aforementioned codex, among other documents, agreed with an ancient exemplar preserved in the principal house of the Sisters of Saint Anne, and gave an explanation of this agreement, saying: "I myself have compared word by word and line by line the text with the ancient exemplar, the only one, which the Sisters keep preciously in the Mother House," would a defect in the legal formalities be found if the comparison of the documents is not considered faithfully and certainly done? It would be unheard of for part of the testimony of this esteemed witness to be accepted and part rejected; for all laws prohibit the rejection of testimony. But now, let us examine the authority of the historical author. Certainly, it cannot be determined whether this author is truly the author of the Commentary, since the author's name is missing from the work, as the Most Reverend Censor rightly points out; and furthermore, he states that it is uncertain who is the author of the information, which is said to have been consigned to the Sisters by Sister Mary Laigle, a close member of the Sodality of the Handmaids of God, since her name is not found in ancient monuments, which have never been published in print. It will not be superfluous here to recall what our teacher has said on this matter. One might ask whether a work referring to the virtues or martyrdom of some Servant of God or Blessed should be considered lacking in authority if the author is unknown, whether it was written by hand, or whether the aforementioned work has never been printed, but has been lost in libraries or archives in the past. And with these points explained,

[*Latin ed. p. 574*]

574 The Sacred Congregation for Rites embraces that which holds value

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in documents, even if the name of the author is unknown, even if those documents have never been published in libraries or archives in the past. And it demonstrates and beautifully illustrates this with examples, showing it to be the discipline and practice of this Sacred Order. Indeed, when in the Sacred Congregation for Rites, as the most wise Pontiff said, the virtues of Saint Juliana of Falconieri and the martyrdom of Saint John Nepomuk were being considered, someone, among others, opposed the presentation of testimonies to the faith, arguing that the authors' names were unknown; and the same objection was made by the Archbishop of Philippi, who was a Promoter of the Faith, while also in the Sacred Congregation for Rites, concerning the virtues of Blessed John of Cantu. But this objection was rejected by the Sacred Congregation itself, because the sincerity of the documents was defended by the Postulators and their gravity was shown, so that nothing worthy of suspicion could be found in them. It is indeed not new that, in times past, pious and learned men have written the lives of Confessors and the passions of Martyrs, without mentioning the name of the Author; which, perhaps, would never have been printed, if the Bollandist associates and many other learned men had not taken up the task of publishing them. " From these things it is clear that the authority of the author does not diminish, if his name is unknown, provided that his knowledge and integrity are evident. However, we do not wish to say that the author of the Commentary, of which we are speaking, is uncertain or unknown; for ancient and constant tradition, widely confirmed by historians, clearly shows that the author of that Commentary was none other than "M. Céver, Aumônier des Dames du Calvaire de Chinon," as also asserted by Witness LXIV, not only relying on oral tradition, but also made more certain by "a small note" which is found at the end of the eleventh dedication on the manuscript copy of the Sisters of Providence, which tells us that "the Author of the Discourse is M. Céver." This is also confirmed by another servant of God, the historian A. Macé, who also states: "A manuscript copy, which bears the date of 1741, tells us that the Author was the Aumônier of the Ladies of the Calvary of Chinon, and his name was Céver." Furthermore, Witness LXIV, who has carefully examined with his own eyes the original documents, which the priest Céver used in writing the history of the Ladies of God, frankly admits, as is related in the Note, "that the name of Marie Laigle is not written after the initial title."

[*Latin ed. p. 575*]

From the Sacred Ritual, 575, however, he did not hesitate to draw this conclusion: "He who is the preeminent witness, but whose testimony does not allow for the slightest doubt." As the Most Reverend General of the Sisters of St. Anne also testifies, from whom we have the following: "I have read the manuscripts preserved in the motherhouse, the original and authentic writings of Marie Laigle, assistant and confidante of Jeanne De-

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lanoue, and after her, the second Superior of the Congregation." The aforementioned witness, praised above, presents weighty and numerous arguments from the author's words, knowledge, and age, from which he invariably demonstrates that what the most steadfast tradition teaches is true. It is sufficient to adduce this one point: "When comparing her handwriting with the signature of Marie Laigle in the Register of Association, one observes an identity; however, one sees that the transcription of the Notes took place at a time when age and manual labor had burdened the author's hand, which is quite noticeable in the series of successive signatures affixed to the acts of association by Sister Marie Laigle." Furthermore, although it is not permitted for me, who am most unskilled, to teach this Sacred Congregation how much authority the family tradition claims for itself in domestic matters, it is permissible to observe the monuments of antiquity, of which we are speaking, and therefore, in the table of the religious sodality founded by the Handmaid of God, to preserve as a precious memento what was written by Marie Laigle, who had used the loving familiarity and custom of a parent. Indeed, when this tradition descends from her contemporaries to the ancient nuns, and has always persisted and continues to persist without interruption among the more recent ones, we too can say, with the same witness, LXIV: "The certain, constant, uninterrupted tradition of a religious congregation that dates back only a century and a half, and which shows a great attachment to its Institute and its origins, is irrefutable proof of the authenticity of this collection of Notes on the Foundress." With these premises established, which pertain not to the necessity of the cause, but to a fuller understanding and the proper performance of our duty, the Fathers will easily recognize how much the historical accuracy of Céver reconciles with the integrity and knowledge of the aforementioned. The dignity of the priesthood, which he possessed, and the office entrusted to him, for he was the Aumônier des Dames du Calvaire de Chinon, provide undeniable evidence of his honesty and gravity. These qualities of the author are also clearly evident from the preface that he precedes his work with, and of which he offers us a glimpse to read.

[*Latin ed. p. 576*]

576 FROM S. C. RITUUM, let us be a censor, with certain words added, by which the authority of the writer might be wrongly called into question. Indeed, she was asked by the members of the Sodality of the Handmaids of God to undertake the task of writing a biography, and she frankly confesses that not a few difficulties occupied her mind, causing her to hesitate, and she expresses them as follows: "The apprehension of not succeeding, which my inadequacy must have inspired, the little knowledge that I myself have of her actions, having seen her only two or three times, and that for very short periods each time, the confusion that I noticed in the extraordinarily long memoirs that you presented to me, which could hardly be otherwise,

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since you only collected them after her death, and, as you yourself admit, her humility led her one day to burn those that she discovered you were writing during her life." Soon after, she adds: "The trouble that I considered I would have in putting each of the facts in their proper place, placed without order or distinction, and in distinguishing what should be said from what should be omitted, all these things, I confess, combined with the little leisure that I have, at first somewhat discouraged me and made me hesitate whether I should undertake a work whose execution seemed difficult to me." From these words, it is clearly evident that the most important reasons that kept the writer hesitant from undertaking the task were rooted in her own mind, as she considered herself unequal to the magnitude of the work, and she confessed her lack of expertise. Therefore, her extraordinary sincerity, humility, and prudence, her desire to conceal nothing, to undertake nothing rashly, and to claim nothing for herself, are truly remarkable, and they provide the firmest guarantee that she has devoted all her care to perfecting the work once undertaken, and that everything contained in that work is presented with the utmost fidelity. In order that each person may be able to judge with greater certainty whether the historian Céver deserves the trust and authority that our laws grant to a proven writer and one endowed with certain knowledge of the facts, it is best to declare and make clear certain things about the matter. And first of all, it is helpful to quote a part of another letter, which is included in the Preface, through which the author wished to dedicate the work. From the Most Reverend and Reverend Monsignor de Vaugi-rauld, Bishop of Angers. In the beginning of the letter: "Monsignor, I have undertaken to satisfy the desire of your Daughters in God, the Servants of the Poor, the Sisters of the House of Providence of Saumur, by describing the most remarkable facts and the virtues..."

[*Latin ed. p. 577*]

From the Sacred Regulations, 577, concerning their Mother and Foundress, Sister De La Noue, who passed away a few years ago. The esteem I had already conceived for the merit of this pious Daughter, and the benefit I believed many could derive from reading so many edifying examples, motivated me to undertake this work. It was not without some difficulties that I resolved to do so; but the more I delved into the details of her life, as I found them recorded in the memoirs provided to me, of which I had no prior knowledge, the more I was convinced that the public should not be deprived of reading about a life from which they would derive greater benefits than I had initially thought. These things clearly demonstrate that if any difficulty, due to the reasons we have seen above, held back the author from undertaking this task, it was completely absent from his mind, and that he never had any doubt about the truth of the events that were to be recounted. Furthermore, the same author,

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briefly touching upon the reasons by which he believed his work would be received favorably by the most Reverend Prelate, continues in the aforementioned letter: "If I consider the person who is the subject of my work, I am already assured of the favor I ask of you, Monsignor. The esteem and the veneration she attracted during her life from good people, despite the complaints and contradictions that her very virtues drew from those who judge things only in a worldly manner and according to the prudence of the flesh; the firmness with which she always remained in the Catholic Faith, and in complete obedience to all the decisions of the legitimate pastors, despite the various temptations to which she was exposed in that regard; the great importance that the late Monsignor Poncet De La Rivière, your illustrious predecessor, gave to her, when, after a long conversation with her, he allowed her to continue in her former way of life, and without diminishing any of her austerities, which he initially wanted to moderate; thereby testifying that she acted only by the spirit of God, and that it was not necessary to oppose her holy will. The regard that you yourself, Monsignor, have shown for this virtuous Daughter, throughout the time she lived under your guidance. Finally, the paternal protection with which you still honor the Daughters of the Community, which is the fruit of her zeal, her prayers, her tears, and her holy life, and the authentic approval that you have given to the rule under which they live. All these things..." *Acta*, Vol. XXXI, p. CCCLXX.

[*Latin ed. p. 578*]

578 From the Sacred Rituals, Monsignore, I derive such assurances, that you will not refuse to approve and authorize the book which contains the account of the life and virtues of this good woman. There remains only one thing that could impede or delay the protection which you, moreover, were so inclined to grant, and that is the little merit of its author, who is scarcely known to you, and who cannot bear to have his name appear at the head of the book. The simplicity of his style, and the many faults that you may notice in his narration, I anticipate in part by sending you this manuscript, and I implore you to have it corrected, and to add or remove whatever you will, submitting the whole to your judgment and decision. Indeed, if the author had not possessed a safe and certain conscience regarding all the events, he would not have been able to present that account to his most reverent Bishop, so that it might be published among the people in his name and with his authority. For a learned Prelate, in matters known to him, could easily have detected inaccuracies in it, and, as not entirely consonant with the truth, would either never have allowed it to be printed, or would have required it to be revised and corrected by himself first. Therefore, we must not say that the author lacked certain knowledge of the facts, nor integrity, nor prudence; and to deny him the praise of truthfulness and the fullest fidelity would be to contradict the very words of the Witness LXIV. "A

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book," he says, "cannot have more reliable sources and a more accurate verification. Written by a contemporary, immediately after the death of the Servant of God, and based on the memories of the best-informed and most authoritative witnesses; revised by the diocesan Bishop, who was himself an eyewitness, and moreover, one of the wisest and holiest prelates of the Church of Angers; printed at the will and with the care of the Sisters of Providence; published at a time when almost as many eyewitnesses were living as there were inhabitants of Saumur and its surroundings; admitted by everyone without a single complaint being found in the last century; and cited with confidence by all authors, even free-thinkers, before Monsieur the Abbé Macé wrote his work a hundred years later (1845); the work of Céver satisfies the most rigorous requirements of historical certainty." Therefore, justly and deservedly, we can assert the life of the Handmaid of God.

[*Latin ed. p. 579*]

From the Sacred Rituals, section 579, a commentary prepared by the historian Céver possesses the greatest force of proof, as taught by the Founder of our law, who states that, first of all, historical accounts should be given weight in matters of faith and authority, provided they are written by upright and prudent individuals, and therefore worthy of belief, as stated by Benedict XIV, book I, chapter VIII, number 10. Indeed, the most learned Censor, the Sisters of the Divine Family, while their mother was still alive, daily wrote letters concerning matters that were happening; and it is known that the historian Céver obtained knowledge of the events from these very pure sources, having compared them with the works and studies of Sister Mary Laigle, who for a long time was a faithful companion and confidante, and keeper of secrets, about whom it is best to hear from Witness LXIV. "Having entered the Providence in 1706, and in 1712 becoming the confidante and, as it were, the Superior of her Superior, the Servant of God remained with her for 30 consecutive years, never abandoning her, observing her with vigilant admiration and recording her memories in her daily notes; the narrator saw and heard immediately what she recounts, as she herself recalls, at every moment in her memoirs. I saw... it was she herself who told me... she did me the honor of communicating... etc. All the external facts recounted by her were known and confirmed by the other Sisters." Moreover, not only do we have ancient nuns, but also sworn witnesses affirming that the account prepared by the historian Céver is entirely in accordance with tradition and is considered true by all, with no one contradicting it. Therefore, all the rules of law and criticism must be overturned, if we wish to detract from the faith and authority of this commentary, as stated by Benedict XIV: "In matters of ancient times, which exceed the memory of the living, the testimony of historians must be given credence, if it has been used by

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them in antiquity; and this rule applies even in causes of beatification and canonization." Nor does the discerning judgment of the Censor undermine or invalidate the faith and authority that all ages, which have elapsed since the publication of the work, have unanimously given and testified to, when it asserts that certain things are narrated in the commentaries of Mary Laigle, from which Céver derived information for his work, which seem unbelievable. For who, having studied history and archaeology for some time, could believe that the Greeks and other ethnic nations offered worship to Jupiter as the supreme deity? If anyone denies this, they have never truly immersed themselves in these studies. Furthermore, what would one say if the idolatrous and universal...

[*Latin ed. p. 580*]

580 EX S. O. RITUUM: Someone might argue that the existence of the cult is weakened because many things attributed to [the Virgin] are either less certain or surpass all belief. Is it not false that [she] was considered a goddess, since [she] is neither the daughter of Crete, nor was [she] nourished by the goat of Amalthaea, nor was [she] raised among the Corybantes, nor did [she] transform into a bull or a swan to seduce Europa or Leda, nor did [she] take Juno as a wife, nor did [she] vanquish the giants? Is it not less true that Romulus Quirinus was worshipped by our most ancient ancestors as a present and protecting God, because [he] is neither the son of Mars, nor was [he] raised by a she-wolf, nor did [he] compel by force, nor did [he] appease the Sabines with vows to Jupiter Stator, nor was [he] raised among the stars during a storm? If every historian were to be called into question because of the facts they describe, which may seem less true or unusual to readers, then all the histories of the Saints would be forced to deny their credibility, and all the more so because many marvelous things are recounted in them, which are considered not only unusual but utterly unbelievable by the uninitiated. In what way could a more convenient or expeditious method be found to deprive all ancient histories, especially, of their power? If the abduction, visions, and revelations recounted in the aforementioned commentaries about the Handmaid of God were to be considered as something new and more outrageous, would this mean that everything else recounted about her life and the remarkable things she accomplished in the same commentaries should also be doubted? However, we must congratulate the rationalists, our judges, for claiming to admit only that which a man can accomplish within the pure order of nature. What is so outrageous in the commentaries of Marie Laigle about the Handmaid of God that it should rather undermine than strengthen faith? The Handmaid of God scarcely exercised the offices of charity towards the afflicted and the poor with great zeal, when she was refreshed by a marvelous vision, the complete account of which, taken from the very text, we present to the eyes of the Fathers. "The day after the

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Feast of Corpus Christi, she fell into an ecstasy or rapture: she remained in it for three days and three nights without drinking or eating... She was transported in spirit, and it was said to her: Come with me, that I may present you to the Queen of Heaven; I have presented all the girls of this region to her, but she has not wanted to accept any of them; there is only you left for me to present to her. She was led to this great Queen of Heaven, who came forward to meet her and embraced her, and said to her: There you are, there is the one I have been looking for for so long, and she made her take a seat beside her, and showed her great affection."

[*Latin ed. p. 581*]

From the Sacred Ritual, 581, this Queen then disappeared. She fell into a deep valley where she saw Hell; she was told to pass over it, which she did with great effort; she felt deeply moved to see all those damned souls; she... saw a vast plain of fields, and between the furrows, as she passed over them, she saw those unfortunate damned souls, and after having passed over all those furrows where Hell appeared to her, she fell into a place where she saw many people who were like beasts in dens; she was moved to go and rescue them from that pitiable state in which she saw them. There were men at the entrance of these caves, and she earnestly begged them to come and help her rescue those poor people; but they only mocked her; she was transported and wanted to go and find others to help her rescue them. At that moment, she found all those who had been associated with her, all the first ones with her; she begged them to come and help her rescue those poor people who were about to perish; they all looked at her without wanting to help her: the youngest of them all mocked her, and our Saint Delanoue, moved by zeal, put a sword at her side and left her there. In this ecstasy, she understood everything that the Lord was asking of her, both for the charity she must have for the poor, both for the temporal and the spiritual, and for the great perfection in which He wanted her through this great self-denial. The Virgin Mary reappeared to her and presented her with a rosary, and one to Monsieur Genneteau (who was her Confessor): both had difficulty in reaching them, and the Virgin Mary said to them: Those who reach for this rosary will have grace. Monsieur Genneteau reached for it first, and then our Saint Delanoue... After this ecstasy, she said that God wanted her to lead a different way of life; our Sister has corresponded well to the designs of God: she undertook with great firmness, with boundless charity, filled with a love of God, with a living faith that no one could understand. Our Sister does everything that God has shown her she must do regarding the poor, and the way of life she must lead in order to acquire all the virtues that God has promised her. "Only this outcome of the vision is sufficient to prove that she was not inflamed by incredible things, since Cardinal Bona teaches that such visions, which he calls imaginary because they consist of images or figures, are true according to what they signify spiritually and

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mystically, not according to their existence; for it is not true that..."

[*Latin ed. p. 582*]

582. Truly, as John writes in *S. G. RITUUM*, there are oxen, lions, eagles, and other such things which he saw; yet these are virtues and mysteries which are signified by those figures. Therefore, since it is clear from that vision that God's Handmaid foresaw the kind of life to which she was divinely called, the Congregation which was to be founded by her, the first members of the Institute, and other things pertaining to this; and since she received from it the greatest encouragement to pursue her holy purpose, and dedicated herself entirely to divine service and the comfort of the poor, shall we say that that vision is to be rejected as incredible? God uses these methods to show his love to souls he loves, and to kindle their love for him more intensely. "For if," writes St. Gregory, "to a blind man, or to a heart far from God, the divine word were to speak with its own voice and with a divine voice, he would not understand; but mercifully, it warns and recalls him through certain enigmas, and through familiar things, it subtly suggests the love of things unknown." Indeed, if this kind of vision were to be rejected as absurd or incredible, as it seems the Most Reverend Defender of the Faith suggests, then many things also which have been revealed in the lives of St. Catherine of Siena, St. Theresa, St. Mary Magdalene de' Pazzi, St. Rose of Lima, St. Veronica of Julian, and Blessed Margaret Maria Alacoque, and which are piously believed by the faithful, would also have to be rejected and condemned. Does the most wise Censor pretend to be ignorant of the histories of these other virgins and others, or to have forgotten them? I could bring forth countless examples from the histories of the saints, and clearly show that revelations of this kind, visions, and raptures, which are not dissimilar to those which are frequently found in the writings of Marie Laigle about the Handmaid of God, occur in them; but I will pass over all these things, lest I seem to abuse the patience of the Fathers without any necessity, as Benedict XIV teaches: "In judging of revelations, one must not consider their quality, but only when there is a doubt about the virtues [of the person]. Then, it is the duty of the Promoter of the Faith to carefully examine the qualities of the person to whom the apparition, vision, or revelation was made, and the manner and effects thereof." Therefore, it is clear that such narratives cannot fail to damage or obscure the historical truth of the matter, especially if they have been received from the mouth of God's servants, as in our case, as the praised Pontiff declares: "Indeed, it would be a great fault not to believe those things which the servants of God have related about themselves." And rather, they offer a clear argument for the exceptional sincerity of the writer, since he recounts them without fear

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of reprisal.

[*Latin ed. p. 583*]

FROM THE SACRED RITUALS, 585, it would have been of great value. Therefore, with all the evidence presented to support this cause, it must be determined whether, from this, a demonstration of fame is produced, as our laws require. CHAPTER III. Concerning the Fame of Sanctity. It has been and is widely known that the fame of sanctity, by which the name and memory of the Handmaid of God were illuminated almost two centuries ago, implicitly confesses even the most humane Censor, who has not challenged the extent and perseverance of this fame, and who confines the entire discussion to its very origin. The excellent Opponent admits that this fame of sanctity did not originate from a pure and legitimate source, namely, not from the excellence of virtues, but from heavenly gifts with which the Handmaid of God was endowed, citing the words of the Witness J aient: "The faithful held her in such esteem for her sanctity, that, according to her first historian, fragments of her garments were cut off and preserved as relics." Indeed, we are not those who would wish this fame of sanctity to have received a considerable increase, even though it cannot be inferred from the acts, from the heavenly charisms which are described in the account of the life of the Handmaid of God; this would not harm our cause, but would benefit it, since it is known that such gifts in the Servants of God, whose virtues are proven elsewhere, are a true sign of singular favor and divine love, given in view of that life, and to promote its sanctity; but we precisely deny that supernatural gifts, as the Censor writes, from the imaginary account of the Sisters concerning the Handmaid of God, published for the public in this cause, were the reason why the Handmaid of God was considered a saint. Did all members of this community only have ears to hear the accounts of her visions and heavenly revelations, and not eyes to observe her integrity of life and the repeated acts of Christian virtues? Did the commentaries, which the Observation praises, only relate heavenly gifts, and not the virtues with which the Handmaid of God shone until her death? How, therefore, can it be said that those who read them came to the opinion of her sanctity not because of the integrity of her life and the excellence of her virtues, but only because of the abundance of heavenly gifts?

[*Latin ed. p. 584*]

584 From S. C. RITUUM, Verba Testis I, the passage cited above should not be understood as if it asserted that the Handmaid of God did not enjoy a reputation for holiness before the publication of her biography; otherwise, the entire testimony would have to be rejected as completely false, for the same witness explicitly testifies to the reputation for holiness that the Handmaid of God enjoyed while she was alive: "What I know about this matter

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through tradition is that her Sisters venerated her as a Saint." Furthermore, concerning her precious death, she says: "They delayed her funeral by a day to satisfy the piety of the faithful." From these words, it is clear that the Handmaid of God, long before her life's story was published, had gained a reputation for holiness, not only among her Sisters but also among the people, as is more clearly evident from the very writings of Mary Laigle. "The esteem in which her virtue was held led many people to come to see her and to pray to her, even after her death. They came to the point of cutting pieces from her habit and kept them as relics of great value." If, as the laudable witness suggests, this fame increased among outsiders after the publication of the biography, it would nevertheless be absurd to attribute its origin to the remarkable gifts mentioned in the biographies written by the Sisters, when we know that it existed even among outsiders at least six years before such biographies were published, and that it stemmed from the virtues of the Handmaid of God. For it was not the supernatural gifts with which she was endowed, but rather the esteem for her virtue that drew crowds of the faithful to seize relics of her, even after her death, to venerate her sacred body. "The news of her death (so says Céver, who published the biography six years after her death) spread throughout the neighborhood and the city, and a large crowd of people rushed to be there.... They did not come to commend her to God, but to commend themselves to her prayers; they thought less about sprinkling holy water on her body than about having her touch their rosaries, about cutting off a piece of her habit to take away and keep it as a precious relic." Indeed, I am curious as to whether all those who flocked to seek the intercession of the deceased Servant of God recognized her holiness through divine revelation on the very day of her death, or whether they had discovered it through what they observed in her behavior, or through what they had heard about her virtues. It must be said that the life...

[*Latin ed. p. 585*]

From the Sacred Rituals, 585, it has been the cause of the holiness and heroic virtues that the Handmaid of God was held in esteem by God, and the account of her life has served to make her sanctity more manifest. Nor is it necessary to linger long in refuting those things which the astute Censorship has attempted to obscure concerning the austerity of the life of the Handmaid of God, which she especially observed in her diet. For, as has already been shown above, with the testimony of witnesses, the Handmaid of God was considered by her Sisters to be the most perfect example of all Christian virtues, and therefore she acquired a reputation for holiness, and especially on account of her extraordinary charity, which still remains proverbial among all, it is now clear how empty is the Censorship's refuge, when it attempts to show that she was celebrated by her sisters as being holy, while she used such a harsh and repulsive diet that it is difficult to

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believe these accounts. However, it is best to present the entire matter, however distasteful it may be, with due deference to the Most Reverend Fathers, as is reported in the writings of Maria Laigle, since it pertains to wonderfully illustrating the cause, and is not entirely foreign to the histories of the saints. "Our Sister did not wear a chemise, but only a thick tunic of serge which caused her much suffering, for it can be said that for eight years she suffered a martyrdom from lice that devoured her; she had so many that she could take handfuls of them from her poor body, which was constantly inflamed from scratching. She herself told me how these lice tormented her, and that she had never been able to endure any, and as she asked the good God to make her do penance, He sent her this vermin that devoured her even to the marrow of her bones." This is considered so ridiculous, so absurd, that it manifestly appears to have been drawn not from the truth of the matter, but from the fanciful imagination of the Sisters. Does the same appear to the Most Reverend Fathers? Do they consider all things to be ridiculous and absurd, and drawn from the fanciful imagination of the writers, which are found to be almost identical in the histories of other Saints? Take, for example, what is read about St. Veronica of Julian. The witness, 64, R. T. Franciscus Ory, who presented before the Judges wonderful examples of penance, by which Joanna Delanoue, inspired by God, tore her flesh, without suffering any detriment to her health, remarked as follows: "Our Lord was pleased to make it understood that the austerities of Jeanne came from Him, and that He miraculously sustained the life and strength of this extraordinary penitent."

[*Latin ed. p. 586*]

586 FROM THE SACRED CANON OF RITES: "Why, therefore, can we not say the same, although the Censor attempts to persuade us that what he presents is more a matter of vice than of virtue, as was said concerning Mary Magdalene Martinengo a Barco in the decree concerning the miracle of the fifth of July of the aforementioned year: 'She left examples of penance more worthy of admiration than of imitation.' The common people are already sufficiently instructed; they have read many examples of austerity in the lives of the saints, which, although worthy of admiration, are by no means intended for imitation. Lest I recall ancient examples, which even remain recorded for the benefit of those in authority, I will mention but one: that of Benedict Joseph Labre, who received the honors of canonization from our most wise Pope Leo XIII, and whose life story is known to no one. Concerning him, lest I recount matters that are already sufficiently known, it is enough to recall what is read in the Roman Breviary: 'Completely forgetting his body, clothed in rags, often lacking a roof, enduring filthy and torn scraps of food offered or even taken from the refuse, gnawed by insects, he was accustomed to spend almost entire days in the temples.' Indeed, if the filth, with which this most excellent cultivator of evangelical

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poverty was seen to delight, is not to be despised by this Holy Order, and if no good person has reproached him, how can impurities that are not very dissimilar to those with which, God willing and with His help, Joanna Delanoue afflicted her body, be turned into vices? Furthermore, the learned Censor gains little when, from the commentaries of Mary Laigle, where the observance of the precept, which the new spiritual director of the Congregation of the Ladies of God, Father G-ennettau, imposed upon her, namely, that she should not sell her wares on feast days, is presented as an act of heroic virtue, as 'a truly heroic sacrifice,' he attempts to persuade us that the reputation of sanctity arises not from the excellence of virtues, but from the imaginative ingenuity of the Sisters. 'If obeying divine commands,' says the Censor, 'is heroic, and if all good people do that, then the whole world is filled with heroic virtues.' Indeed? May God grant that all those whom we consider and say are good, obey all divine commands, and it will not be difficult for us to show that there are many holy men, through whose help this unhappy age of ours most needs! Do divine commands take precedence? Do they impose anything upon us? Certainly nothing other than the will of God, which clearly reveals to us what is to be done and what is to be avoided. But this is the will of God, namely, your sanctification, as the Apostle proclaims. Therefore, he who has kept the commandments of God, who could have transgressed and did not transgress, who has done no evil and has not done it, has certainly already sufficiently provided for his own sanctification. For it is not..."

[*Latin ed. p. 587*]

From Sacred Regulations 587, it is established that a heroic act must necessarily be one that, while performed under the command of a precept, is not, as taught by Benedict XIV, fundamentally different in species from a non-heroic act, since both Christian virtues, whether heroic or not, tend towards the highest supernatural good, and heroism is nothing other than the perfection of virtue, which therefore cannot cause them to differ in appearance. And after having discussed the heroic virtue at length, the most wise Pope again states that heroism is nothing other than the excellence of an action, which derives its cause and origin primarily from the very difficulty of the action; and that the excellence and difficulty of an action must be judged with regard to the circumstances; for example, if a boy fasts, as is read concerning Saint Nicholas of Myra, this will certainly be something excellent; but it will not be so if the fast is performed by a man already of mature age; if a King or Prince ministers to the sick in a hospital, as we read was done by Saint Louis, King of the Franks, this will be considered an excellent work; but it will not be so if it is done by a man of the lowest condition. Therefore, before it can be said that the Handmaids of God have exaggerated the virtues in order to demonstrate their sanctity, and that their observance of the precept of abstaining from

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commerce on feast days was considered a heroic act, the circumstances must be carefully examined, according to the doctrine of our Preceptor, so that the difficulty of the action can be properly assessed. The Handmaid of God, having reached the twenty-fourth year of her age, and having already lost her father, who was a merchant, began to live with her niece and to have a small shop. And since it was the custom of the region that, even on feast days, when the common people, usually engaged in agriculture or crafts, frequented the town more often, honest merchants also engaged in commerce; the Handmaid of God quietly maintained this family tradition. If we add to this a certain natural inclination towards thrift, which was more pronounced in the Handmaid of God after her mother's death, and which seemed to be only slightly different from avarice, it is clear how much distress was caused to her by the condition imposed upon her by the most religious Priest of Gennettau, how much difficulty the precept presented, not to engage in commerce on feast days, and how rightly it was considered a heroic sacrifice. Just as every man of outstanding virtue, or indeed any generous person, is to be praised for spontaneously enduring a certain loss to the family's finances, in order to be an example to others in observing divine commandments; so

[*Latin ed. p. 588*]

588 From the Sacred Congregation: The act should be considered one of heroic virtue, by which the Handmaid of God obeyed the aforementioned priest, abstaining from business dealings on feast days, despite being held back by both her innate avarice and the impossibility of living otherwise. If what we have said so far regarding her reputation for holiness is not enough to obscure her humble origins, much less to diminish her splendor, then much more will be said in § 19. It is better to extract a more complete passage from the historian Céver and from Witness XXXIII, so that it may be more clearly evident whether it can rightly be inferred, as the *Animadversio* believes, that the witnesses and biographers of Joan doubted her heroic virtues and perfect holiness, when they say that her soul was delivered to the flames. The praised historian concludes, describing how the Handmaid of God overcame and mastered all natural desires, with these words: "In a word, she was dead to herself, to her carnal will, ambitious and self-interested; she lived as if another soul, not her own, animated, guided, and regulated her body; thus, not living according to the desires of man, but according to the will of God, we can say, according to the words of the Prince of the Apostles, that, having died in her flesh, she no longer sinned. And indeed, she no longer sinned, because she had removed everything that flatters our concupiscences, and if she committed certain faults inseparable from human frailty, it was rarely by surprise, and she paid dearly for the small satisfactions that might escape her against the strictures of the most exact sobriety; because these faults that she noticed

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were the subject of her confusion, her tears, and her penance. She was therefore pure of heart, and having attained this excellent purity, we have every reason to believe in the Lord that, passing from this life to eternity, she found no obstacle to seeing God face to face, or that at least the last trial she had to endure after her death, in order to enjoy the sight of her Creator, was not of long duration." I will not here discuss the question of whether the Beatification of the Servants of God is hindered by the fact that they have died, as Matthaeucius says, with some small fault, needing to be purged in Purgatory. We are concerned here with the reputation for holiness, not with that question, which our own Master says can only be discussed theoretically, since whether anyone is held in purgatorial fire or has been held is known only if it is revealed by God. Therefore, let them seek this one thing: whether, from the passage quoted from the historian Céver, it can be asserted that...

[*Latin ed. p. 589*]

FROM the Ritual Regulations, 589, concerning heroic acts and the perfect sanctity of the Handmaid of God. I believe that this passage was more suitable for enriching the summary tables than for making observations. For what could be more weighty, what could be more eloquent, to demonstrate the exceptional sanctity of the Handmaid of God, than the testimony of historical witnesses who, having once entered the path of perfection, proclaim that, having died in her flesh, she did not cease [to progress]. Those who testify to this either avoided defects or rarely fell into certain faults inseparable from human frailty, which even the just cannot avoid, as teaches Gregory the Great, and who performed constant and severe penance for these things? Furthermore, they do not hesitate to assert that she attained that excellence of virtue in which we all have reason to hope in the Lord, that, passing from this life to eternal life, she found no obstacle to seeing God face to face so soon. Does not the very fact that she is declared free from any grave fault proclaim her sanctity? For truly, no one knows the judgments of God, so that one can be certain that a person who has passed away, even if shining with the most brilliant virtues, has ascended the straight path to heaven, since everyone knows that God finds wickedness even in the angels. Therefore, the prudent historian rightly observes that the Handmaid of God either immediately after death was united with the heavenly Bridegroom, or was detained for a short time in the place of purgation, but for no other reason than for those very slight imperfections, for which the patrons of these causes have never been able to demonstrate that the Handmaid of God was immune, as the Church holds the Blessed Virgin to be immune. Therefore, it is clearly evident that the historian was chosen inappropriately to obscure the sanctity of Joan. Nor is the testimony of Witness 33 more opportune, for it is sufficient to quote her more accurate words. "The only thing (so the praised Witness) that I have heard said

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against Jeanne Delanoue, without being able to verify it, is that the current chaplain of the Community of Saint Anne, Mr. Voleau, after examining all the documents, said: 'My conviction is that Jeanne Delanoue passed through purgatory.' I have never heard any other words said against Jeanne Delanoue, nor against her work." Anyone can easily understand that the words, which reached the aforementioned Witness, have faded into the air, without me, as he himself confesses, being able to verify them. It is easily understood that not even a distant echo of these words can be found in the writings of the priest Voleau, who, as Witness 61, was called to the examination and who wrote the biography of the Handmaid of God himself, and 11.

[*Latin ed. p. 590*]

In the year 1882, from the "Collection of Rituals" published by the printers, he presented it to the Judges, and wished it to be admitted as evidence, declaring under oath: "Everything that I have written about the heroic virtues and the works of the Servant of God is entirely in conformity with the oral tradition and the original documents." Indeed, this most religious man, who had examined all the documents, if he had seen anything that deviated from holiness, or if he had heard from others about something of that nature; if he had then formed this conviction, as he seems to suggest in his "Observations," that the Servant of God lived and died just like all other Christians, who indeed lived well, but not heroically, then he would not have passed over her defects and failings in silence, nor would he have so vigorously praised her virtues and holiness with so much acclaim. Therefore, it appears that the work she accomplished was that of a saint, and this seems to result necessarily from a simple examination of her life and her heroic virtues; it also seems to emerge from the general belief that was spontaneously established after her death. These things sufficiently show how deeply the opinion of the preeminence of virtues and holiness of the Servant of God was rooted in the mind of the Priest Voleau, and how great is the dissonance of the voice that the Witness XXXIII claims to have heard from someone. Since the "Observations" have attempted to obscure the legitimate origin and the intimate nature of this fame, it seeks a final refuge in the words of Benedict XIV, from which, it believes, our cause may suffer great damage, due to the lack of frequent visits by the people to the tomb of the Handmaid of God. The wise words of the Pope, although they must always be kept before our eyes, since they pertain to a particular case, should not be interpreted and urged in such a way that if there has never been, or has ceased to be, a gathering of people at the tomb of any Servant of God, we should say that the fame of holiness has never existed or has completely disappeared. For the common estimation and devotion of men are manifested by many other indications, and it is possible that fame may endure, or even grow, even if the number of people who come to venerate

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at the tomb is diminished. This, in fact, has happened in the case we are considering, as is clear from the most obvious testimonies of those who widely report that the fame of the holiness of Joan Delanoue was once very strong and is now widely spread, even though the people cannot and may not frequently come to the tomb, since until the year 1796, it was in the chapel of the Sisters of Providence at Salmuri, and since the year 1881, it has been in the chapel of the house of the same Sisters at Saint-Florent, near there.

[*Latin ed. p. 591*]

From the Ritual Regulations, 591, the reliquary was transported. Therefore, it would be futile to seek a large gathering of people where such a gathering cannot occur. Nevertheless, there are abundant testimonies in the records that make us more certain of the constant piety and devotion of the people towards the sacred relics of the Handmaid of God. When, in the year 1796, the relics were transferred from the chapel of the Sisters of Providence to the sacred edifice dedicated to Our Lady, so that they might not be profaned by the subversives due to the disturbances of civil order, it was evident how much the faithful venerated the Handmaid of God; for, as Witness VII reports, "the neighbors of the Providence did not want to be deprived of what they considered a precious treasure; it required a divine intervention. A violent storm favored the translation, which had been scheduled for the night, as they dared not carry it out during the day." Furthermore, when, in the year 1837, necessary excavations required a new translation, the devotion of the faithful was more clearly revealed. The suburb, as Witness XLVI recounts, which had been the principal theater of her charity, was moved as a whole. "It was an extraordinary movement, a flood of people in the streets, all eager to contemplate and venerate the remains of their most esteemed benefactor." Similarly, when, in the year 1881, the sacred body was transferred to the principal house of the Congregation of the Sisters of Providence, "all faces are radiant, hearts pray and praise the Lord. All witnesses gather around the coffin; they want to see, contemplate, and venerate these precious remains, which recall the memory of so many heroic virtues that were sanctified by prayer, vigils, penance, and often by the evident presence of the Holy Spirit. Each person offers their wishes to the one who will now be regarded as the protector of these places. Among all, a young child of 7 years, Joseph Pochard, son of the businessman of the Community, is distinguished. With the Rosary in his hand, prayer on his lips, and a happy face, he asks for the healing of a withered leg that makes walking difficult and painful for him." Moreover, although even today the place of the tomb is inaccessible to outsiders, there are those who, with confident hearts, approach the tomb of the Handmaid of God, and who ask the nuns to perform novenas for them and for their loved ones. "It is commonly said, as Witness VII states, that Jeanne Delanoue is a saint;

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people go to pray at her tomb, some are happy to be of her family, and mothers have their children make novenas at the tomb of Jeanne Delanoue, to prepare them for their first Communion." And Witness XV states, "I know..."

[*Latin ed. p. 592*]

592 From the *Sacramentaria Rituum*, it is stated that "a great number of people go to invoke her at her tomb, and that many have obtained good results from it." Furthermore, Witness XXIX, Father Theophilus Hugonnet, testifies: "For a long time, I have had a particular devotion to Jeanne Delanoue; I have often gone to pray at her tomb." From these statements, it is clear that the people do not entirely fail to come to the tomb of the Handmaid of God, but that the number of visitors is such as can be expected given the circumstances of the place. Therefore, having removed the objections that were raised against her reputation, those that remain, which are presented in the final part of this inquiry, should be considered, and which do not at all inspire us with fear.

CHAPTER IV. Concerning Obstacles.

We have written, perhaps more extensively than the necessity of the present discussion required, concerning the abundance of proofs and the widespread reputation of holiness. Now, the astute Critic again objects, as if in a corollarium to the observations presented in the preceding sections, and presents what appear to be obstacles that, he believes, cannot in any way be overcome in a formal discussion, and which he opposes to our intention. We have demonstrated that the proofs upon which the case rests are, in their essence, perfect, since we have presented not a few witnesses, duly questioned, who have learned much from oral tradition and, in particular, from their elders, and among whom some describe and assert unbroken chains of tradition from the Handmaid of God to those who lived with her. We have used one historical document, that of Céver, and we have shown that he claims full credibility and authority, since he was a righteous man, a contemporary of the Handmaid of God, instructed by those who were witnesses to her, and who faithfully recorded in writing the things they had seen or heard from the Handmaid of God. Furthermore, we have indicated that, in these judgments, this is of the utmost importance, namely, that tradition and history are completely in agreement. I beg you, Fathers, to consider all of these things, and to judge whether the witnesses that we have, joined with the historical monuments, constitute a body of evidence that meets the requirements of our laws in ancient causes, and which would successfully support the weight of the case, even if we were dealing with matters of virtue.

[*Latin ed. p. 593*]

I. FROM THE SACRED CONGREGATION OF RITUALS (593). Since

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the esteemed censor notes that there is no hope that new documents will be found in the Apostolic archives to supplement the proofs presented in the ordinary process, we state that further and more useful and opportune details can still be added to illustrate the life and virtues of the Servant of God, details which two more recent priests, Macé and Voleau, have used in her biography, and which were not mentioned by the historian Céver. Indeed, in the preface of his work, which he addresses to the Sisters of God, he writes: "You will forgive me for omitting many facts that I did not deem necessary to include in my History, in order not to be too lengthy... I consider the writing that I present to you, based on memoirs, as merely a summary, where I believed it was better to choose carefully than to say everything." When the more recent biographer of the Servant of God, Voleau, recalled this passage from the preface of the older historian, he immediately added: "It was therefore to be feared that most of the beautiful examples of virtue given by the foundress of the Providence would remain forgotten, unless they were recalled in a more complete biography than the first. This is what prompted Mr. Macé, chaplain of the Providence, to undertake, in 1845, the publication of a new history of Jeanne Delanoue, so that, as he says to the Sisters of Saint Anne, he might bring to light the invaluable treasure that is in your possession, but of which you make use only in part, because you do not know it sufficiently. Mr. Macé therefore proposed to better make known the Reverend Mother Delanoue to his daughters and to his compatriots, and this is the goal that we ourselves propose, but in an even more complete manner. Therefore, in order to achieve this result, we have studied with the utmost care: 1. the manuscript of Sister Mary, which is a kind of journal of the first fifty years of the life of Jeanne Delanoue; 2. the biography of Céver, based on a complete manuscript that the chaplain of the Calvary of Chinon possessed, a manuscript which is unfortunately lost, and which would have provided us with many facts, some of which were omitted, and others only touched upon in passing; 3. various documents that are still in the archives of the Community, such as the original rules written by Jeanne herself, and notes summarizing part of the instructions that she gave to her daughters. Then we applied ourselves to arrange, without omitting a single one, as far as possible, the thousand details that we have found. *Acta, Vol. XXXI, p. 350.*

[*Latin ed. p. 594*]

594 FROM the decrees concerning the rites, and those pertaining to the virtues and great works of our heroine, to the foundation and expansion of her hospice of Providence, to the manner in which she lived, to the establishment of her institute of the Sisters of Saint Anne, to her austerities, to her ingenious and universal charity, to her trials and contradictions, to her supernatural communications, to that redoubling of perfection which marked her last years, and whose most holy death was the

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crowning [achievement]. Therefore, it can still be added to the records of the Apostolic Inquiry concerning the things accomplished by the Servant of God and her outstanding virtues, which were overlooked in the present cause, as is clearly gathered from the recent accounts of two historians, one older and one more recent. But all those witnesses whom we presented in the preceding chapter to demonstrate the origin of her fame among her German contemporaries, are completely refuted by what the Reviewer states, saying that they do not serve to demonstrate that the fame of the Servant of God arose from the brilliance of her virtues, but from those things which are narrated about the Servant of God as if they were fabulous and inventions. If, from the visions and revelations which the Most Reverend Censor presented to us, exceeding all belief in § 13 of the review, the absurdity and insolence are to be judged, then it will not be much for us, if it pleases the Superiors, or for other men more distinguished in piety and science, to labor in the near future on the judgment of her virtues, so that all the wonderful things which are recounted in the acts of the Servant of God may not be scorned as ridiculous and fabulous, but may be received with some reverence by the wisest Supporters. Indeed, if the charisms with which God endowed his handmaid were detrimental to the signature of the Commission, the cause of many other virgins, who have long since attained the honors of the altar, would not have been introduced. But I hear the Censor not so much scorn the charisms of the Handmaid of God, as reproach her for not refusing to reveal them to her companion, Mary Laigle. However, everyone will say that the Handmaid of God is immune from even a slight reproach, if they consider that Mary Laigle used, for a long period of years, an intimate familiarity and custom with the Servant of God, as openly indicated by the words of Witness LXIV, concerning her, as reported in the review. Having entered the Providence in 1706, and having become, from 1712, the confidante and, as it were, the Superior of her Superior, the Servant of God,

[*Latin ed. p. 595*]

From the Sacred Rituals, there are always those who remain with her for 30 years, 595 consecutive days, never abandoning her. Is it not the nature of friendship to reveal all things intimate and secret to one another, and to choose someone as a companion in both adversity and joy? This is sufficiently demonstrated by the Divine Teacher, who says: "I will not now call you servants: for the servant knoweth not what his lord doth. But I have called you friends. because all things, whatsoever I have heard of my Father, I have made known to you." Thus, Augustine says, "Nothing is hidden from a friend if he is truly a friend: he pours out his soul, just as the Lord Jesus Christ poured out the mysteries of his Father; all the more so, because what is revealed to true and faithful Christians is not entrusted to them alone, but to Him in whom they abide, so that they may be such." Oth-

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erwise, countless works of God would remain hidden, and this knowledge wonderfully serves to amplify the divine glory. Saint Lawrence of Justinian is most pertinent to this matter. When the bride of love is afflicted with a desire for affection, she is admitted as a most beloved bride, so that she may receive a pearl of shining wisdom from the treasures of wisdom, and so that she may instruct others in what she has seen and heard, not for her own sake, but for the glory of the Bridegroom, from whom she receives all that she is. And Nicholas Lancisius wrote: "He, in whose hands are our hearts, for reasons known to Himself, and to us to some extent manifest, desires to reveal things through His servants, things which we have read in the lives of many eminent Saints, recorded for the benefit of the Church." Surely these things would remove any reproach from any handmaid of God, even if not to a single member of the Company of Mary, Laigle, but to many other members as well, for the sake of their spiritual progress, she has revealed all the charisms, with which the heavenly Bridegroom frequently favored her. However, if she had acted against the prohibition of her superiors, I would understand the force of the words of the Censure, by which the Handmaid of God is again rebuked, for not having used the counsel and authority of a confessor in such a serious and dangerous matter. I ask, did these most holy men, Ignatius, Francis, Dominic, Philip Neri, Saint Theresa, and other holy virgins, of whom history teaches, not rarely manifest heavenly charisms to one another? What law or reason compelled the Handmaid of God to seek permission or counsel from her confessor beforehand? Perhaps, as the Observation writes, because she was acting in a matter that was serious and full of danger? But even so, she would have had a greater right to reveal the intimate things of her heart to the most faithful member of her community.

[*Latin ed. p. 596*]

596 From the Society of the Holy Rosary, a companion was chosen for her, and she experienced her as a partner and support, even in times of danger, if any should arise. The accuser is mistaken when he claims that the Handmaid of God always acted according to her own inclinations, disregarding the advice of her confessor, indeed, even resisting him. The most evident testimony celebrates her remarkable promptness and eagerness, with which she submitted to the orders of her superiors, even if these orders contradicted her own counsel or way of life. "She possessed obedience to such a degree," says Witness VII, "that she would have abandoned all her works if her director had ordered it." Furthermore, she adds: "Throughout her life, she remained in the most complete dependence on her directors; even when she received inspirations directly from God, she still consulted her directors before acting. I may be mistaken in following my inspirations," she said, "but I will never be mistaken in obeying." Even when obedience was more difficult for her, for example, when her superiors contradicted her views or opposed her way of life, she did not deviate from the most com-

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plete submission. Witness LXIV confirms this briefly but forcefully, saying: "Our Sister did nothing without the advice of one who knew her interior." It is not true that the Handmaid of God's superior ever strongly opposed her, in order to exercise her virtue, especially concerning the extraordinary bodily afflictions to which she was divinely drawn, but no witness testifies that she ever disobeyed her superior, and none of them says that she was ever reprimanded by him for rashly revealing heavenly gifts. The accuser falsely mentions the order not to engage in business on feast days, which her confessor gave to the Handmaid of God; for, such an order was given by her companion, Maria Laigle, as a heroic sacrifice, not as if the Handmaid of God were unwilling, but because of the financial loss that would result, and the Handmaid of God willingly did not refuse to do so. "If you want me to confess to you," (as Maria Laigle recounts that the confessor said to her), "you must resolve not to sell any goods on feast days and Sundays, nor to keep your shop open on holy days of Sunday, for it is a commandment of God that must be devoutly kept, without which one cannot be true children of God and heirs of Jesus Christ." Our penitent listened attentively to all the reasons of this good priest, and she was willing to do all things for the glory of God. She began by...

[*Latin ed. p. 597*]

From the Sacred Ritual, 597, after a general confession, she asked him for permission to fast three times a week; he granted this at first, and then, later, other, more austere requests, as we shall see later. If, from such actions, it could be inferred that the Handmaid of God was steadfast in her purpose, then it is necessary that the masters of Christian asceticism should impart new precepts, by which the virtue of obedience may be discerned from the steadfastness of the mind. The second fact that the Censorship presents is that the Handmaid of God restored a confessor, moved by divine inspiration, who had requested certain things, which the confessor and his sisters were reluctant to grant, due to his infirm health; this, without any effort or industry on her part, is a commendation of her exceptional prudence and a testimony to her sanctity. However, for the sake of greater clarity, it is best to add some things to the events described, from those that immediately precede and follow them. "One day in February 1709, our Mother, after morning prayers, knew that she must give an instruction on the charity that the sisters should have for one another, and that if there were some among them who were not in perfect health, she told them that the sisters who were the healthiest should not have contempt for those who were not healthy and who could not be healthy on their own, and that they should not say to these ailing sisters that they were not capable of wearing the habit of the community, but that the daughters of good and fervent love of God should never oppose the reception of girls, even if they were infirm. Our Mother knew that one should never lack charity in receiving girls who

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wished to give themselves entirely to Jesus Christ... As our Mother saw that her daughters were opposed to the reception of infirm sisters, she knew that the three postulants must be received, despite any objections the sisters might make." As is related in the section § 24, the events occurred in this way; but in order that the narrative be complete, the following must be added: "It is true that the Lord willed that these three girls should receive the habit, just as He willed it for the others, for it happened a few days before that one of the three was to be received, and there was a desire to give her some preference, because it was seen that she had more intelligence than the other two. But the Lord, who had chosen these good girls, did not want them to bear the contempt that some ill-intentioned people had..."

[*Latin ed. p. 598*]

The customs of the place made them feel this. The Lord inspired our Mother to speak strongly, so that these two postulants might be received along with the one who was preferred. Finally, the Lord changed hearts in an instant. He changed the hearts of the director and all the sisters in an instant; all those who had seemed most opposed threw themselves to their knees at the feet of the director, asking for the habit for these postulants whom they had previously rejected, and immediately the director said to our Mother: "I consent to the request that the sisters make, so that these three postulants may receive the habit." These last words clearly vindicate the Handmaid of God, for it is evident that she did not otherwise give these postulants the religious habit, except after obtaining permission from her confessor. Moreover, considering the entire course of events, nothing is found that does not praise the Handmaid of God. Having been guided by divine inspiration, which could not otherwise be doubted unless the entire narrative were rejected, the Handmaid of God acted admirably when she decided to persuade the sisters, whom she had previously urged with words to exercise charity towards those who did not enjoy good health, by her authority and by a wonderful example. If she had acted otherwise, she could not have avoided the reproach, not only of the most religious censor, but of the Almighty God Himself, from whom her mind was illuminated. She could have disregarded the opinion of her confessor, since it is necessary to obey God more than men; but this most prudent woman, who was always afraid of being deceived, delayed her decision for so long, until she understood that the will of God was made more manifest to her through the increased length of the fabric. What then did she do? She revealed the matter to her confessor, and although he still hesitated, but with the divine power working, the sisters were again strongly urged not to contradict the will of God. What followed? You know, dear Fathers, that the Lord changed the hearts of the director and all the sisters in an instant. All those who had seemed most opposed threw themselves to their knees at the feet of the director, asking for the habit for these postulants whom they had pre-

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viously rejected. Does not this outcome clearly show that everything the Handmaid of God did was done prudently and according to the counsels of divine wisdom? However, while it is permissible to admire God's plans, it is forbidden to scrutinize them. The censor, lacking substantial arguments, is clearly found to be seeking obstacles to the progress of the cause, as can be seen from the objections that he has just presented to us.

[*Latin ed. p. 599*]

F. X. S. G. RITUUM 599, following what he himself asserts, states that the "Ancilla Dei" had appropriated parts of the office of moderator of consciences for her own use. Furthermore, he clearly explains and removes all force from the censorial assertion, using the words that the historian of Lodi immediately precedes with, which are related in a negative manner.

It is customary in well-ordered communities that the Sisters, either with the permission they have received from their Superiors, or to request it from their Superiors, continue to do so. The example that I am about to give will make known the utility of such conduct, and at the same time, the supernatural light that God gave to the Sister Delanoue concerning the state of souls.

It is manifest that, in almost all religious congregations, it is a received and constantly observed practice that Sisters and others are obliged to ask the priest for divine permission to receive the Holy Eucharist, and that the servant of God has the right to grant or deny this permission, according to the circumstances. The obligation to ask for permission, and even the right to deny it to the one asking, necessarily belongs to the one granting it. Therefore, the "Ancilla Dei" did not appropriate parts of the office of moderator of consciences for her own use, but rather she acted lawfully, when, knowing that certain Sisters were not worthy to approach the Sacred Table, she denied them the requested permission; and she would have greatly failed in her duty if, disregarding the revealed truth, she had allowed them to approach the altar, or if she had rejoiced in the salutary effects that would have followed, if she knew, through the same revealed truth, that they were not worthy to receive the heavenly food.

Since the "Ancilla Dei" was endowed with the remarkable gift of scrutinizing hearts, it is not surprising that she used it in the government of her Sisters, and that she also used it to appropriately assist in the care of souls.

Now, if the Confessor were the author, so that the Sisters of the house, after discovering this, knew his intention, his great capacity, and the gifts he received from Heaven.

Would the Sisters reveal the hidden conscience of the servant of God to him? They would approach him with great confidence, and they would receive great consolations in their sorrows, solid clarifications in their doubts, and great help to resist temptations.

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Therefore, I do not understand whether the Most Reverend "Fidei Vindex" intends to commend or censure the actions of the Servant of God, concerning what is stated in § 25.

[*Latin ed. p. 600*]

From the Sacred Ritual, additions have been made, drawn from the historical account by Céver, and it is pleasing to present a somewhat more complete account. "One day, (D. F.) dared to say to her Director, that he should be careful about those to whom he permitted retreats, and that they could harm many; that they could abuse the graces they received there; that he should be suspicious of certain tears of tenderness, compunction, and union that they shed; that there was often much self-love in these outpourings; and that it was dangerous to encourage in the ways of union, those in whom one had not yet recognized sincere humility, and a constant zeal to suffer the labors of penance, to expiate their sins, to mortify their passions, and to purify themselves of all vanity and vainglory." Since no one had been able to give her sisters a certain account of the attainment of Christian perfection, both because her mind was illuminated by a greater light of human prudence, and because she herself had clearly perceived and explored the character, progress, strengths, weaknesses, and infirmities of each, it is easy to understand, but praise is due, if she taught the spiritual director, for the greater benefit of her sisters, what to fear, what to avoid, what care to take, and what remedy to apply; moreover, she herself, as her confessor, greatly valued her advice. "As the Witness XLVIII says, she had distinct and positive knowledge of the state of conscience of several of her daughters and of people from outside, of which her confessor did not hesitate to make use in the guidance of these souls." If all the superiors of religious congregations could provide what the Servant of God provided in the spiritual guidance of her sisters! How much more easily would the students and nuns avoid the obstacles that often delay the attainment of religious perfection. Perhaps some will consider the words with which the Servant of God's confessor once rebuked her to be more serious, especially if they were to be referred to, as *Animadversio* seems to suggest, to those very things that we recently attributed to her as being part of her role as a guide of conscience. But the place from which these things were taken is very far from the context from which the objections mentioned above were drawn. The matter is described in the writings of Maria Laigle, in the chapter *On her state of privation*, where there is mention of that wonderful constancy with which the faith of the Servant of God remained strong and unwavering during the most distressing spiritual aridity; indeed, it shone forth even more purely and vividly, like gold tried by fire. The excerpt from

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the narrative is:

[*Latin ed. p. 601*]

From the Sacred Ritual, 601: Although the Fathers [of the Council of Trent] did not intend to examine matters at such length, it is necessary to determine whether the handmaid of God, or her confessor, or someone else, is worthy of reproach in this matter. The most beloved of her children, utterly bereft of earthly charms, and abandoned by her confessor almost at her own discretion, was "conducted by ways so detached from herself and so devoid of self-knowledge that it was astonishing; she lived only by faith in God; she behaved in all these ways with voluntary simplicity; when she went to make a call of civility, or when she was obliged to speak to people of distinction, she went in her wooden clogs and a kitchen apron, and a cap perfectly suited to her clogs. The sister who usually went with her would often say to her: But, do not go out like that, people will say that we dishonor them, by going to see them in that manner, and they will believe that you do it out of contempt, and you will give them occasion to murmur; she did everything she could to persuade her to wear leather shoes; but it was all in vain, her inner perceptions were far purer than those of this sister, who feared that she would be disrespected, and that people would have contempt for her; this led her to resolve to speak to her director about it, so that he would prevent it; and indeed, she came to carry out this intention. One day, when they were both with their director, the sister said to him: Father, I have great complaints to make to you about our mother, regarding the manner in which she dresses herself: I beg you to consider how she is dressed! With her wooden clogs and her kitchen apron, she goes from the house of Monsieur le Curé. Does he not have reason to say that she despises him? He does not yet know her, since he is new, this will give him reason to judge her unfavorably. I beg you, Father, to forbid her from making any visits in this state, because it is scandalous.... Our good God, who wished to make His handmaid suffer, made her director forget that He had permitted this; He took the opportunity to say many harsh things to her in the presence of this sister; He told her that she did this out of ostentation, and that it was pride and hypocrisy that made her act in this way, and not the Spirit of God, and that she was trying to cover up these things, and that she was doing all this of her own accord, without consulting him. She said to him: Father, all that you say to me may be true, but I have no intention of acting according to my own will, and far from it; you know that I have told you about my dispositions concerning detachment, and you have..."

[*Latin ed. p. 602*]

602 ACCORDING TO the established custom, and concerning everything that pertained to me personally, I had only to follow my own ways. Seeing that you leave me to myself, I found myself obliged to follow my

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own inclinations. If you do not wish this, give me an express prohibition, and I will not do it again; but if you leave me to myself, I will continue. Having heard and carefully considered these things, if anyone were to propose a discussion as to whether the Handmaid of God or her Confessor had sinned, we can confidently reply that neither deserves to be blamed. Not the Handmaid of God, who used simple and modest clothing, in order to associate herself with the internal mortification of the body, to which she was divinely drawn, and who, despite being rebuked, endured the rebuke with merit, as it pleased God, and showed herself most ready to obey the commands of the censor, even though they were contrary to her own desires. Nor her Confessor, since he, having forgotten the absolution given, acknowledged his failure to render the obedience due to him in the new manner in which the Handmaid of God was acting, which seemed strange and entirely foreign to the rules of human prudence, and he wished to bring her back to sounder counsels with the most severe rebuke. Therefore, I will say briefly: both used their rights properly in the matter. But it is scarcely necessary to refute those things which the censor claims to show the Confessor's forgetfulness of the absolution given to the Handmaid of God, according to her usual manner of acting in bodily mortifications, as Maria Laigle asserts, but rather it should be attributed to a preconceived notion already present in that person's mind, if, indeed, the Confessor, who treated the Handmaid of God so harshly, had been divinely appointed. Once the entire account has been taken from the commentaries of Maria Laigle, on what grounds can the censor seize the part that favors him, and reject the following part? Surely, all laws forbid that, whenever one author, whether witness or historian, is present, his words should be disregarded? The most learned censor cannot fail to know that difficulties arising from one type of evidence should be considered sufficiently refuted if the weakness of that same type of evidence is shown. Nor should it seem surprising to him that the Confessor disagreed with the Handmaid of God in regulating the austerities of the body, and that he rebuked her so severely, even though he was divinely appointed, when history testifies that even among the saints, disagreements on these and other matters were not uncommon, and yet they detracted nothing from the exceptional virtue and holiness of either. The astute censor would be seeking a knot in a rush if he were to try to extract material for objection from those things which are again taken from the commentaries of Maria Laigle in § 27 of the observations to the Fathers.

[*Latin ed. p. 603*]

According to the Sacred Ritual, section 603, the matter is to be presented, and its judgment entrusted to others. For, upon examining the entire sequence of events, it is clearly evident that everything occurred through divine inspiration, and wonderfully contributes to the praise of the Hand-

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maid of God. Perhaps you will accuse the Handmaid of God of rashness, because she converted the stipends received for Masses into alms for the poor, using her own initiative? However, as Mary Laigle recounts, "Our Lady (that is, the Handmaid of God) was made to understand by the Lord that she should use this money, and that she should not worry, and that there would be holy priests who would relieve her of the Masses." Then, do you say that she was deceived by an evil spirit? I do not think so, especially since she consulted all the priests, and she could know the most enlightened among them; she did not content herself with those who were in the city, but she went everywhere where she could find those who were capable of giving her holy advice and counsel; and the Handmaid of God never ceased until she found a certain pious priest who relieved our Lady of all the Masses for which she had taken responsibility to have said. Furthermore, this outcome clearly demonstrates that the mind of the Handmaid of God was truly illuminated by the divine, and that this very Handmaid of God possesses a divine counsel by which she protects herself from any appearance of rashness; thus, all controversy is dispelled. Indeed, as we have indicated above, it is certain that her words can refute any censorious attempts, whether that person is a witness or a historian, from whose testimony the material for objections was drawn. Since the entire narrative of events has been drawn from the writings of Mary Laigle, either she deserves to be believed, and any difficulty, if any exists, and the response given by us consists in that; or she does not deserve to be believed, and the objection itself has no place. As a serious matter, the Censorship shows that the life of this poorest of Foundresses was defiled by a harmful stain, and suggests that the Commission should not sign this document, and it recalls us to the humblest beginnings of the institution, and it presents a young girl, threatened by the very dangers that she had first collected into the small house that would become the hospital. Alas! I cannot help but weep, and I deeply lament the fate of the poor girl; however, I do not weep for the cause of the Handmaid of God, who was threatened by the same dangers, since she received no injury from the ruined house, and she emerged from it completely unharmed. The matter, as it is recounted by the historian Céver, is best presented as follows: "In 1702, a great disaster struck the neighborhood of Notre Dame, otherwise known as the Faubourg de Fenet. Eleven houses, attached to one another, built at the foot of the mountain, collapsed at the same time, at six o'clock in the morning."

[*Latin ed. p. 604*]

604 FROM THE SACRED RITUAL: Those who inhabited it did not have time to save their lives by leaving their homes, without being able to take anything with them. Sister Delanoue was among the afflicted: she lost all her linens, and almost all her furniture, under the ruins of the house she had occupied. The Judges were called in, in order to try to remove the

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poor children, who were lodged in the cellar, and who were believed to be dead: they were, however, pulled out, safe and sound, with the exception of a little girl who remained crushed there. Who, even the most severe judge, would say that such a calamitous event, which caused such great sorrow to the Handmaid of God, could be turned into a disgrace for her? Rather, who would not marvel at the invincible constancy with which the Handmaid of God endured insults and contempt, and was able to provide for the needs of the orphaned, being deprived of all help? Indeed, only a strong constancy of spirit and an incredible faith in God could have enabled the Handmaid of God to prevent her Institute from collapsing in its very beginnings. There was a lack of resources, everything seemed to oppose the undertaking; yet, trusting in divine goodness, and with that goodness helping her in a remarkable way, she established and expanded the work of the most beneficent Congregation, which seemed impossible to accomplish by any means. From this, it is clear how truly the words of the Witness, whom the *Animadversio* praises, were spoken about the Handmaid of God, who, having been struck by such a calamity, was considered to have wrongly placed her confidence in divine help: "They were mistaken: the Providence was truly beginning." And indeed, everyone who considers the entire life of the Handmaid of God, and the beginnings, vicissitudes, and spread of her Institute, must acknowledge that it is right to say of her what was written about Saint Cajetan of Thiene: "In the undertaking of her life, she persevered with the greatest constancy, clinging only to divine Providence, which never failed her, as miracles have proven." (In Brev. Rom. ad diem 7 Augusti). Since this is the case, all that remains for us is to commend this good cause, which we have spoken of, to the wisdom and benevolence of the Fathers, and to implore them with a devoted spirit, so that they may add precious stones to "this ancient pearl, whose splendor time does not obscure, which has not felt the rust of antiquity" (St. John Chrysostom, *de Iuvent, et Maxim*), with which the crown of the holy virgins is adorned. This is what the most pious advocate of the cause, Reverend Father Vincent Ligiez, together with the most deserving Congregation founded by the Handmaid of God, requests, who desire nothing more than that that blessed day may one day come, when they may, with heavenly reverence, venerate their Mother, adorned with the honors of the Saints.

[*Latin ed. p. 605*]

605 FROM THE HOLY CONGREGATION OF THE COUNCIL OF PARIS. ON THE NULLITY OF MARRIAGE. December 17, 1898. Session 24, chapter 1, concerning impediments to marriage. The Countess Sybilla, then twenty-nine years of age, distinguished not only by the nobility of her lineage but also by the vigor of her body, entered into marriage on May 26th of the year 1884, in the chapel of the Apostolic Nunciature in Paris, with Alexander, a Marquis, who was then approximately twenty-nine

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years of age. But this marriage, despite the mutual cohabitation of the spouses for several years, proved to be unhappy; for it appears that Sybilla did not marry freely, but was compelled by force and with great fear by her mother. It is said that the young woman, then sixteen years of age, had become deeply attached to a man with whom she could not marry. Therefore, in order to draw her away from this forbidden love, her mother decided, without delay, to give her in marriage to another man, and she chose Alexander, who, six months later, while these events were taking place, asked her to marry him. However, Sybilla, either because she still clung to the forbidden love in her heart, or because she disliked Alexander himself, is said to have rejected the proposed marriage. But in vain; for the mother imposed this marriage on her daughter, and, if what is reported is true, she did not use only moral coercion to obtain her consent, but at times even physical coercion. Indeed, the very actress recounts the events in a written statement presented to the Supreme Prince: "Hence, a desperate struggle ensued, with harsh disputes, threats of confinement, and even actual confinement in a room, from which, for three weeks, 'Foratrice' [a possible pseudonym or nickname] was..."

[*Latin ed. p. 606*]

606 PARISIAN. She could never escape, and endured the most grievous and continuous domestic scenes. The speaker vainly attempted to defend herself, invoking the help of her father, now deceased for seven years. He was entirely opposed to such a marriage; but when he saw that his daughter was determined, he decided to remain entirely passive, granting her full power. Indeed, he took the opportunity to travel to Italy, where he remained until after the marriage, and where the Marquis Alexander joined him to obtain her consent; and he did not obtain it except after three days of insistence. "Seeing no other escape in her mind, the speaker fled, and found a way to be received into the Convent of the Retraite, on rue du Cherche-Midi, for a period of fifteen days. The mother, turning over a thousand thoughts concerning the whereabouts of the runaway, made useless searches and investigations, until, with the help of the Police, she managed to discover the place of refuge." Therefore, Sybilla, after having tried everything to influence her mother's will, was forced, as she herself says, to enter into a marriage against her will. However, at the beginning of the marriage, they were not happy spouses; for the husband, rather than winning the affection of his wife through love and care, is said to have devoted himself entirely to other pursuits. Nevertheless, the couple maintained their marital life for eight years, and had children. Until, in the year 1894, due to a public scandal caused by the husband, marital relations became completely impossible, and Sybilla bid farewell to Alexander, returning to live with her mother. Thus, the woman herself recounts the event: "The separation took place in 1894. My husband had met a woman who inspired in him a more

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vivid and lasting feeling. Mr. de la Fresange retired with this woman to Montfermeil, where a terrible drama occurred: another man came to seek out this woman and killed himself at my husband's house. This drama was reported by the newspapers." In the meantime, the unfortunate woman, in the year 1896, presented a petition to the Supreme Prince, requesting that her...

[*Latin ed. p. 607*]

PARIS. In the year 607, a marriage was declared null because of a lack of consent. The Most Holy Pope issued decrees stating that the Sacred Congregation should undertake a legitimate investigation; therefore, the Parisian Court was ordered to proceed with the legal proceedings until a final judgment was reached. The Archbishop, having established a Tribunal, entrusted the investigation of the case to a delegated Judge, who, after a preliminary process, rendered the following judgment against the obstinate man: "It is established that the marriage in question is null, due to the unjust coercion, but the legitimacy of the offspring is preserved." The Synoptical Advocate for the actress recalls that, in law, for a marriage to be valid, mutual and free consent of the contracting parties is required; indeed, in no other contract is such freedom required, as must be observed in contracting marriage. Hence, Schmalzgrueber states in book 4, title, § 394: "The nature of marriage is different from that of other contracts; for the latter can be rescinded by the authority of a judge; consequently, it is not necessary that grave fear should invalidate them." Sánchez agrees in book 4, part 6, number 2; *Potior de imped. matr. caus. 31, quaest. 2 et 3, § 13*; and Cosci, in *De separatione thori*, book 1, chapter 8, number 93. And Alexander III states in chapter 14 on betrothals: "Where consent has no place when fear or coercion intervenes, it is necessary that where the assent of each is required, the matter of coercion be repelled. Marriage, however, is contracted solely by consent, and where it is questioned, it must enjoy full security, so that the intentions of the parties may be investigated, lest they say they consent to something they hate, and follow the consequences that often result from forced marriages." Indeed, the advocate states that in this case, Sybilla's freedom was violated, and she was compelled to marry not by her own will, but by force and fear from her mother. The advocate further states that, from the entire investigation, and from the testimony of all witnesses, it is evident that Sybilla, with all her heart and with all her strength, rejected the marriage imposed upon her by her mother, because...

[*Latin ed. p. 608*]

608. The Parisian [marriage] was recently marred by the wound of another love, both because her manners, her character, her habits, and even her very appearance were so odious to him that he could not bear them. Fur-

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thermore, it is established, and all agree, that in this internal conflict, both mother and daughter lived together daily until the marriage: the mother, in order to force her will, exhausted her with complaints and tears; the daughter, in turn, was restrained by threats, reproaches, blows, and beatings. Thus, the Marquis de Charnacé, as a witness by office, affirms: "This scene, these mistreatments, this resistance of the daughter, lasted until the marriage." And Margaret Joly testifies: "The mother struck her even with a stick several times before my eyes. Thus, to go down to Salona, she received slaps. As soon as she heard the Marquis, the young lady would flee, and it was then that I saw her slapped and beaten by the mother... This pressure lasted continuously throughout, until the moment of the marriage." The same is confessed by Aemilius Adam, who swears: "Madame de Bonne often locked her daughter in a room, and did not give her anything to eat... The mother struck her daughter, she gave her blows with a ruler... The young lady resisted until the end, and even on the day of the marriage." Furthermore, Lady May: "I was personally a witness to the blows that the mother gave to her daughter, the jostlings she inflicted upon her, throwing her onto a sofa, or pushing her against the wall. I saw her lock her in a closet for several hours. She deprived her of food, and this was repeated often. The negotiations lasted seven or eight months; and during all that time, the mistreatments did not cease." With these things established, the advocate continues: no one of sound mind would say that Sibylla was in that situation with complete security, as the sacred canons require for freedom, consent, and validity. Indeed, according to the advocate, the nullity of this marriage is such that it is demonstrated with singular clarity.

[*Latin ed. p. 609*]

PARISIAN. 609 precedes. And indeed, in other cases, a vice is usually found, where freedom is violated, solely through reverential fear of parents, whenever it is not a matter of merely burdensome commands and reprimands, but when severity and threats are added, amounting to a grave evil, as was decided by the Rota in decree 491, *Rotomagens*, and in decree 870 before Emerich, *jun.* But a very different matter is present in the case under discussion. For the advocate says: you do not have fear and threats, but force; not words, but blows; not pronouncements of the future, but actions; not a disturbance of the mind and torment, but also affliction of the entire body. The interpreters of the sacred canons have indeed usually included both force and fear under the same title, not because they are the same, but because fear also damages freedom, and causes nullity. However, the advocate argues, it cannot be inferred from this conjunction of causes that one, which is greater, should be equated with another of a lower degree and standing. For he who suffers from fear, whether of present or future danger, experiences a trembling of the mind (L. 1 ff. on what is caused by fear), so that no room remains for deliberation; but he

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who is compelled by violent hand and present affliction of the body suffers more than he acts. But you will say, that violence, however great, should be such as to completely deprive the use of freedom. The advocate does not deny this; but he says that coercion is to be considered more serious in a woman than in a man, and that it is to be considered very serious in a girl of seventeen years, who is inexperienced and without strength, subject to everyone, and believes that she must endure everything. Such was the condition of the Sibyl. But since the gravity of the causes must be distinguished from their effects, the advocate presents two points regarding the factors involved. First, he recalls that, as the mother's anger and insistence increased, the daughter suddenly fled. Indeed, setting aside the testimony of the actress herself, and of others, the nun Arsenia recounts the matter. And, after thirteen years, when questioned in court, the pious nun acknowledged the Sibyl, although she stated that the actions were... *Acta, Vol. XXXI, fasc. CCCLXX, 39*.

[*Latin ed. p. 610*]

610 PARIS. She had been changed, but she recognized her most certainly from the presence of her mother, in whom she perceived no change, not even the slightest. When asked about the cause that drove the timid girl to such madness, the lawyer responded, presenting the testimonies of certain witnesses: "Miss had often told me that she would run away to escape this marriage. Miss de B. also left the house to avoid a marriage that inspired in her a profound horror." And they infer, not only that the girl had no means of liberation or freedom, but that she endured such violence as her strength could not bear. Furthermore, to demonstrate the gravity of the violence inflicted, they recount that Sybilla, rather than marrying Henry, had threatened to take her own life. Indeed, Sybilla herself, under oath, narrates: "One day, I wanted to throw myself out the window, and those who saw this scene truly believed that I had fallen. My body was half outside the window. It was Marie, my maid, who held me back. This occurred in January 1884." The same is recounted in greater detail by Margaret Joly, Hortensia Primet, and Aemilius Adam, who were greatly involved in the affair. Having presented the legitimate proofs, which come from the judicial investigation, the lawyer, in order to further illuminate the evidence of the entire case, proceeds to other indications and arguments, and first speaks of the credibility that the judicial records deserve. Truly, says the lawyer, the Court of Paris, having received letters from the Most Holy Order on August 13, 1896, to express an opinion on the case of the plaintiff, investigated for two months, and finally responded that "there are serious presumptions of violence inflicted by the mother upon the plaintiff, to force her into marriage with the Marquis Alexander." Therefore, it judged "that the process should be carried out immediately." Thus, a most diligent investigation was conducted, so that the plaintiff was not deprived of the opportunity to

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summon as many witnesses as she deemed suitable. But...

[*Latin ed. p. 611*]

PARIS. The defender of the bond inquires and himself; thus, the number of witnesses by office is greater than that of others. But all the witnesses feel and report the same thing, and if any are distinguished by their perspicacity and gravity, they should be included among the witnesses by office. Then, he notes that the delegated judge testifies not only of the most noble, but of all, writing: "On the part of the plaintiff, good and honest witnesses were presented, against whom no suspicion is known to us." Nor, according to the orator, are there lacking in this case the most serious circumstances which more confirm the alleged coercion. Thus, the father of the Sibyl takes up the defense of his daughter against her husband, and, utterly disheartened, flees. Having brought the argument to this point, the advocate mentions certain difficulties which were raised by the defender of the bond from Paris. First, it is objected, is it not ridiculous to present such an elaborate account of alleged coercion, as if it could happen daily with beatings, lashes, floggings, fasts, imprisonment, insults, that a daughter is tormented by her mother? But the orator responds with Quintilian: "There are many true things, but few credible; just as false things are often plausible." Truly, those things should not be judged as implausible which are considered legitimate in law, but rather, they are presented as conditions for the nullity of the marriage. For all the Doctors enumerate what are fear and violence in those things which affect the body: beatings, tortures, famine, imprisonment. But, someone might say, surely such torments are not credible in a Countess, who is said to be and is devout, and who surely loves her daughter? But the orator believes that, in human affairs, one should pay more attention to the examples of human nature than to vanishing conjectures. Who has not often seen, in the upbringing of children, people of fervent nature, otherwise pious, unleash such fury against their children that they do not let them go unless they are punished severely, and sometimes even slightly injured? Why would a woman who is said to be so irascible not do the same, who believed her daughter to be in the gravest danger, and who placed all her hope in these marriages?

[*Latin ed. p. 612*]

612 PARISIAN. But the young woman, under oath, responded: "I refused the marriage even more because of Mr. Alexander himself than because of the affection I had." Other witnesses, although they do not speak of other affections, know one thing, and affirm it: the cause of the resistance was, indeed, aversion towards Alexander. What could be more eloquent than what Margaret Joly recounts? "The young lady repeatedly told her mother: 'If you want to get rid of me, marry me to someone else, but not to that man.'" Therefore, Sybilla did not hate the marriage itself, but the

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man. Consider the other testimonies: in all of them, this one thing always recurs, as Hortensia Primet says: "The young lady told her mother that she did not want that gentleman, because she felt revulsion towards him." Furthermore, it cannot be said that consent was obtained through prolonged conjugal cohabitation and the subsequent birth of children. For, the advocate observes, even if, according to the law of the Decretals, it were possible to argue that, through a prolonged cohabitation, the initial dissent of one of the spouses could be transformed into consent, jurists always used to caution in considering this cohabitation. Indeed, that dissent should pass into consent is not a matter of time, but of the state of mind of the person involved. If a woman marries unwillingly and, after ten or even twenty years, has always remained averse, always with a resisting spirit, enduring a common life, no one would certainly consider that her will has changed. However, he continues, whatever may have been the case according to the law of the Decretals, this has been superseded since the Council of Trent, which decreed that marriage cannot be joined without the presence of a priest and witnesses: for it would be impossible, without this form, to effect what could not even be entered into, even with consent, without this form. Barbosa, in *De Officiis Episcopi*, alleg. 32, n. 149, makes a very clear distinction, stating: "According to current law, cohabitation cannot effect a marriage; even a new consent is required, and the form of the Council." And he clearly demonstrates the reason in *Voti Decisis*, lib. 2, vot. 17, n. 178.

[*Latin ed. p. 613*]

PARIS. 613 ibid.: "The reason is that every form and solemnity which ought to be present in an act in order for it to be valid, must also be present in the ratification; nor can the solemnity following the act be of no avail, because it must concur at the time of the act, and cannot be separated from it; nor can fiction or retraction help, when the act is entirely null." Cosci de sep. th., lib. 1, cap. 5, n. 84. The advocate must only prove that there was a public impediment in the case in question. But, he observes, with regard to impediments, it is commonly accepted that something is considered public not only if it is proven in court, but whenever it can be proven. Sánchez de matr., lib. 2, disp. 36, n. 11, concisely and wisely illustrates this point. Nor is it different, as Reiffenst. states in the appendix on dispensations, § 2, n. 44 and following: "An impediment is considered hidden when it was either entirely secret so that it cannot be proven in any way, or if it is known by one or another, or by a few or four, there is no danger that it will be further made public." But who would deny, the defender exclaims, that the force used to prevent the marriage of the Sibyl can be proven in court? As for the offspring, the advocate concludes, the sacred canons provide: those who are conceived before the judgment of nullity are forbidden to be harmed in their legitimate status in the goods of the spouses. Therefore, the delegated

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judge of Paris declared: "It is established that the marriage in question is null, saving the legitimacy of the offspring."

OBSERVATIONS OF THE DEFENDER.

REGARDING THE MARRIAGE. The defender in his entire argument encompasses this point: that the facts presented to prove a grave impediment do not all seem certain, or, if they are certain, that the woman has suffered no injury, since the mother did not unjustly urge her daughter to enter into marriage. And first, he points out that not all the facts presented by the woman are in accordance with the truth. But the orator is amazed that, while the Sibyl is groaning in her room, and attempts to throw herself out the window, in mo-

[*Latin ed. p. 614*]

614. The Parisian [newspaper] reports that Émile Adam, Mary Sibylla's maid, and countless others, are present, holding Sibylla by the window. Furthermore, the actress's words are recalled: "I had (as she said) another very deep affection." Indeed, the speaker notes, no one is ignorant of how difficult it is for a young woman, of such a temperament, to turn away from another man. Therefore, anyone else who had offered himself to Sibylla at that time would have experienced the same fate as that which befell Alexander, the Marquis. Therefore, he says, it was necessary to abandon the idea of proposing a husband to Sibylla, for she would reject him. One of two things had to be done: either Sibylla was to be joined in marriage to the Marquis Alexander, who was present, or else the daughter was to be allowed to fall into the abyss. But the actress's mother, the Countess Mary, who would have to give an account to God for the soul of her daughter, without delay, according to the testimony of Sibylla, gave her in marriage to the Marquis Alexander, "who was the first serious match that had presented itself," according to the best of judgments, the speaker said. But the most indulgent mother granted Sibylla more than a year and a half to choose between madness and marriage to a man "of equal standing." And this seems even more just when one considers what the mother and daughter accomplished during those precious eighteen months. For the mother, anxious "to put between herself (Sibylla) and monsieur... an insurmountable barrier," urged her daughter to marry the Marquis Alexander, who "was the first (and only) serious match that had presented itself." On the other hand, Sibylla fled from her mother's house and took refuge with the nuns, not in order to pronounce vows, but on the condition that she might freely wander the city day and night. But, you might say, the mother used threats, beatings, and torments to persuade her daughter to marry the Marquis Alexander. The defender of the bond replied: first of all, the Countess Mary was not, in the least, concerned with her own well-being,

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but only with the benefit of her daughter, which, in such matters, never happens, in the proposed marriage.

[*Latin ed. p. 615*]

PARISIAN. 615 It is beyond all doubt that the Countess was always a most loving, desirous, and devoted mother to her daughter. Indeed, the Marquis Ernest of Charnacé testifies: "Madame de Bonn was an admirable mother to her daughter, and worthy of all praise as a wife. She was exceedingly kind to her daughter. If Madame de Bonn thus urged her daughter into this unfortunate marriage, it was because she was compelled by an urgent necessity, and in forcing her daughter, she believed she was fulfilling her duty as a prudent mother." The servants, Margaret Joly and Madame Clotilde Poetier, also testify, and Madame Clotilde Poetier declares: "Madame de B. was very good, very gentle. In this matter of the marriage, she suddenly changed, so that no one recognized her anymore, and it was impossible to understand this change." Thus, on the one hand, you have a mother: "Admirable to her daughter... exceedingly kind to her daughter... Madame de B. showed the greatest affection to her daughter." On the other hand, you have a daughter corrupted by insane love. If, therefore, you see quarrels, threats, beatings, and torments in the house, who would readily believe, the orator exclaims, that the mother suddenly turned into a tigress, raging with a savage heart against her daughter, rather than that the daughter was resisting the just counsel and just precepts of her mother, blinded by the passion of insane love? But the defender of the bond does not need conjecture. For Sibylla appealed against her mother's commands to the most serious man, a friend of the family, the Marquis Ernest of Charnacé, who took up Sibylla's cause. But when he spoke, and learned the history of the events, "From that moment," (said the Marquis of Charnacé), "I myself told Mademoiselle de B. that she must obey her mother. This word of Madame de B. (misfortune upon misfortune, I prefer this one) had opened my eyes, and I could no longer intervene."

[*Latin ed. p. 616*]

616. The Parisian [author] further states: "My father initially opposed this marriage." However, despite this, the Marquis Alexander married Sybilla, and, according to the actress herself, Sybilla's father permitted it; and the father would certainly not have consented if he had seen Sybilla returning to better counsels, or if the marriage that was being considered was not necessary. The actress herself, in a letter addressed to the Most Holy Prince, writes: "Her mother, the Countess of B..., listened to nothing but the inflexible sentiments of morality and religion." Indeed, the advocate has never heard of unjust threats, beatings, tortures, which are commanded: "the inflexible sentiments of morality and religion." Nor

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has he ever heard of a marriage becoming null because it was imposed by threats, beatings, imprisonment, or torture, justly imposed. For, the advocate continues, such a nullity would certainly arise from that edict by which the Praetor commands: "I will not consider as valid that which has been done by force or fear; that is, I will annul it." Indeed, according to the defender, that edict does not apply to a fear that is justly instilled. Regarding item I. 6 ff., concerning what is done under the influence of fear (there): "Therefore, this clause contains both force and fear; and if anyone has been compelled by force, he is restored by this edict. But we understand force to mean something atrocious, and that which is done contrary to good morals; not that which a magistrate has rightly introduced, namely, by lawful means and by the law of honor, which he maintains. Furthermore, Pomponius writes that if a magistrate of the Roman people, or a governor of a province, has done something unjustly, this edict applies; if, for example, he has extorted money by the terror of death or beatings." Therefore, with the best of reason, Palacios, Dist. 29, Disputation, unie, teaches: "Fear only invalidates a marriage when a grave injustice is committed." And Saint Alphonsus de Liguori, in his work on moral theology, book 6, treatise 6, on marriage, number 1049, states: "In order for fear to invalidate..."

[*Latin ed. p. 617*]

PARISIAN. 617 Marriage, it is required: I. that it be external, or by a human action, and not internal, as commonly taught by Sánchez, etc.; II. that fear be instilled with the intention of preventing the marriage...; III. that the fear be unjustly instilled, Sánchez, *dict. d. n.* 3, Bonae, page 8, number 9, Holzmüller and Rone, *U. cc.* ». Therefore, the defender argues, was it not the duty of the mother to consider the spiritual and temporal well-being of her daughter, and to offer her help when she was in imminent danger? To the Countess Mariam of Bonn, when she discovered that her daughter Sibylla was captivated by a mad love for a married man, and was considering "putting an insurmountable barrier between her and the gentleman?" But if the mother was to act, was it not permissible for the daughter to remove that insurmountable barrier? And she certainly did so, more surely, by refusing the marriage. But it is argued that it is not lawful to join a girl inflamed with a mad love for a married man in marriage with another. But the defender, recalling the words of the Apostle: "He that is not able to contain, let him marry: for it is better to marry than to burn," does not deny that, by another means, for example, by entering into religion, it was lawful to address this evil; but in the present case, there was no remedy available other than marriage. Therefore, one must insist on what is possible, not on what is impossible. Nor is there a better objection: no one has the authority to force someone into marriage. This objection is presented to Sánchez in *de matr.*, book 4, discussion 13, number 9, and

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he responds: "If this argument proved anything, it would also prove that if consent were extorted for a contract with another, that contract would have to be rescinded. Which is false (as I said in book 4, discussion 8, number 8), because no one has the authority to force anyone into any contract whatsoever." But, the speaker continues, it is so far removed from the truth to treat the mother in such matters as an outsider, that on the contrary, in the Council of Trent, it was debated whether marriages contracted without the consent of the parents were to be considered void from the very beginning.

[*Latin ed. p. 618*]

618. PARISIAN. However, the actress provokes laughter when she objects: "In a very short time, the marriage was conceived, arranged, and concluded, which took place in 1884." The speaker rightly points out that, when the proposal of marriage was made to Sibylla by the Marquis Alexander, less than six months had elapsed since her mother had become aware of Sibylla's improper affection. "I do not believe," says the actress, "that more than six months passed between that proposal of marriage and the time when my mother learned of my affection." However, a whole year passed between the proposal and the celebration of the marriage. "Approximately a year passed," the actress says, "between the time Mr. Alexander made his proposal and our marriage." Furthermore, it is added that Sibylla, in December of 1883, that is, approximately twelve months after the illicit affections had become known to her mother, and six months after the marriage with the Marquis Alexander had been proposed, secretly fled from her maternal home and sought refuge with nuns, so that she might freely roam the city day and night. Therefore, the speaker argues, this demonstrates to the highest degree the danger inherent in delay. Moreover, the Countess de B., the actress's mother, testifies: "I once surprised that gentleman giving a note to my daughter; it was I who seized it." And, she continues, it appears that nothing was done, since indeed Sibylla's father, after the marriage, reproached her mother for having given her daughter in marriage to the Marquis Alexander. But the defender replies that, besides the fact that this is not at all true, it nevertheless proves nothing. For it is common for our actions, even if the most just, to be disapproved of, not only by others, but even by ourselves, after a wrongdoing has occurred. However, the accuser continues, even if the alleged compulsion was unjust, the disputes between the mother and daughter, which the witnesses now amplify out of pity for the unfortunate girl, according to the speaker, are attributed to those time periods in which the daughter was being torn away from her married husband by her unbridled affection. But while the daughter...

[*Latin ed. p. 619*]

PARIS. The serenity of her mind was such that, concerning the marriage

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between her and Alexander, there was no dispute, or at most, a slight disagreement. In truth, if the Sibyl had truly hated the Marquis Alexander, after having been given in marriage and delivered into the hands of her husband, and after the sacrifice had been completed, the unhappy woman would have had to recoil, not only in spirit, but also in her very eyes, from the sight of that tyrant, and would have truly and forever abhorred the embrace of that man. But, far otherwise, the defender of the woman states, were the facts. Furthermore, the Parisian magistrates, with great wisdom, questioned the Sibyl: "Did Monsieur Alexander ask you early in the marriage to fulfill your conjugal duty? Did you readily consent? And if you did resist, for what reasons?" To which the Sibyl gave no direct answer, but evaded: "Monsieur Alexander, in the first days of the marriage, was very courteous. In Paris, where we remained for a few days, he did not cause me any scenes to obtain the fulfillment of the conjugal duty. The violence began in Monte Carlo, as I have already said. The conjugal relations were never properly maintained. Monsieur de la Fress, moreover, was quickly sated with a woman, and, during my pregnancy, my husband took a hatred for me (six years had already passed since the beginning of the marriage), and he caused me scenes at every moment. Since the birth of my child, in December 1889, my husband has never touched me again, he only tried two or three times." With these premises, the purpose was to resolve the doubt as to whether the judgment of the Parisian court should be confirmed or overturned. RESOLUTION. The Sacred Congregation, after discussion on December 17, 1898, decided to respond: "The judgment should be confirmed."

[*Latin ed. p. 620*]

620. SUPPLICATIONS. CONGREGATION OF THE SACRED HEART OF JESUS. DISPENSATION FROM IRREGULARITY. March 18, 1899. Through summary petitions. SUMMARY OF THE CASE. The General Procurator of the Congregation of the Sacred Heart of Jesus submitted the following to the Most Holy Prince, in whom we devoutly place our hope: "A certain young man named George Fleury, from the village of Estourmel, in the Archdiocese of Cambrai, distinguished by his piety and character, earnestly requests to be admitted into the aforementioned Congregation, so that he may later be ordained a priest. But the aforementioned young man, while still a minor, was subjected to a certain irregularity due to an accident; for his right hand was accidentally inserted into a machine, so that two of the distal phalanges of his index finger had to be amputated. Despite these circumstances, and considering the necessity and benefit to the aforementioned Congregation, as well as the qualities of the aforementioned young man, the petitioner humbly requests that Your Holiness deign to grant a dispensation to George Fleury from the irregularity arising from the defect in his body." These petitions, as is

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customary, were sent to the Archbishop of Cambrai, to whose diocese the petitioner belongs, on December 9th of the past year, for information and opinion, and so that, after an examination before the master of ceremonies, he might report whether the petitioner was capable of performing all the actions of the Mass. Following the Archbishop's instructions, the aforementioned young man was examined by the master of ceremonies, who, after the examination, reported as follows: "I had him perform before my eyes the various ceremonies of the Holy Sacrifice concerning the host and the chalice. He knows how to take the host on the corporal and on the paten, and he can make the sign of the cross with the host over the chalice. He performed the fraction of the host without difficulty. He can distribute the Holy Communion with small hosts."

[*Latin ed. p. 621*]

CONSIDERATIONS. 621 "He may take the chalice either by the knob, or below the knob, for the Communion." "In short, the right hand of Mr. G. Fleury is rather unsightly, but it does not prevent him from performing the necessary ceremonies of the Holy Sacrifice of the Mass quite adequately." The Prelate, commending the presented petitions, states: "Since the petitioner is a young man of excellent character and conspicuous piety, I earnestly request that the requested dispensation be granted."

SYNOPTIC DISCUSSION: No one can deny that the irregularity arising from a defect of the body has been introduced by the Holy Canons for two reasons: firstly, out of reverence for the Divine, so that the sacred functions may not be improperly performed; and secondly, out of consideration for the people, from whom such irregularities in the sacred ceremonies might arouse admiration, as is stated in Chapter 1, 2, and 6 concerning bodily infirmities, and in Chapter 5 concerning clerics. Gonzalez, in his Commentary on the title concerning bodily infirmities, chapter 2, number 7, states: "Indeed, when the case concerns a young man who has two phalanges amputated, not only of the index finger, but also of the ring finger, and of the middle finger, it seems that the petitioner is not only less suitable for performing all the rites in the Divine Sacrifice, but that he cannot perform the sacred rites without arousing the admiration of the people, due to the resulting deformity of the right hand." On this matter, the master of ceremonies stated in his report: "In short, the right hand of Mr. Fleury is rather unsightly"; hence, it seems prudent not to grant the dispensation requested by the petitioner. And I would consider it even more necessary to deny it in this case, since it concerns a promotion, for which, according to the rule received by the Holy Congregation, a dispensation is very rarely granted, as can be seen in Pampilonen, November 22, 1856, and in Padua, April 27, 1861, through presented summaries of petitions. Indeed, the Holy Congregation, in Burgen, January 24, 1864, denied a dispensation to a certain Joachim De Faia, who, due to a burn, had tendons of the thumb and

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index finger of his right hand amputated. IT SEEMS THAT INDULGENCE SHOULD BE DENIED.

[*Latin ed. p. 622*]

622. SUESSIONES. He had hands with contracted fingers, and each finger of both hands lacked half of its phalanx, although the favor of the master of ceremonies and the commendation of the Cardinal Archbishop might be expected to aid the orator's prayers. AN INDULGENCE SEEMS TO BE WARRANTED. On the other hand, it is advisable, with the favor of the orator, to consider that the defect of the fingers, with which he suffers, is not so grave that the decrees of the Sacred Canons against bodily imperfections should also be invoked in this case. Indeed, the aforementioned rescripts of the Canons, cited above, caution against bodily imperfections that were far more serious, and which presented an obstacle to the performance of the sacred rites and aroused astonishment in the people. However, neither of these circumstances appears to be present in this case. For the master of ceremonies, after having enumerated, after a completed examination, all the actions of the Mass that the orator can perform without difficulty, concluded his report with these words: "In short, Monsieur Fleury's right hand does not prevent him from performing the ceremonies necessary for the Holy Sacrifice of the Mass in a sufficiently proper manner." And there are not lacking examples in similar cases, indeed in more serious cases, in which, through the benignity of the Holy See, the rigor of the Canons has been tempered. Indeed, in Pampeluna, on March 31, 1860, an indulgence was granted to a cleric to use his left hand in the sacred ceremonies of the Mass, because he was unable to make the sign of the cross with his right hand, nor to bring the chalice to his lips. Likewise, in Cephala, on June 18, 1866, an dispensation was granted to the cleric Joseph Gianni, who lacked a thumb on his left hand; also, in Novaria, on June 27, 1891, although the orator lacked one phalanx on the thumb and two phalanges on the index finger of his right hand; in Colonia, on March 25, 1895, the Sacred Congregation granted an indulgence to certain religious to begin the sacred Orders, who had a badly formed left hand, with four fingers fused together and connected by a membrane. Most recently, in a certain Herden, on July 16, 1898, when Anthony Salias, due to an unexpected explosion of a firearm, suffered an irregularity in his right hand, with which he could not grasp anything, the Sacred Office...

[*Latin ed. p. 623*]

SESSIONES. 623 Hic dedit hanc responsionem: "Dummodo adsit Ecclesiae necessitas et non timeatur periculum irreverentiae in sacro conficiendo, pro gratia, arbitrio et conscientia Episcopi, facto verbo cum SSmo." His omnibus accedunt boni oratoris mores et utilitas ex ipsius ad ordines promotione Ecclesiae obventura; quandoquidem Camerarius

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Episcopus, oblatas preces commendans, oratorem renuntiat "iuvenem optimum et pietate conspicuum." Quibus animadversis, quaesitum fuit quid esset precibus respondendum. RESOLUTIO. Sacra Congregatio, re disceptata sub die 18 Martii 1899, censuit respondere: "Dummodo omne absit periculum irreverentiae, pro gratia, facto verbo cum SSmo."

DUBIUM: An liceat Sacra colligere, eaque aliis litanda tradere, foenore quod ex aeris permutatione provenit, sibi retento?

Emza Revma N. N., inclinante ad bacio della S. Porpora, umilmente chiede all' Eminenza V. Rma la soluzione del seguente dubbio. Tizio, Sacerdote spagnuolo, ha occasione favorevole di raccogliere grande quantità di Messe nel Portogallo, ricevendo lo stipendio in moneta Portoghese, a quale cambiacon monetas spagnuola, ricavandone un beneficio di 35 ed anche di 40 per cento. Queste Messe le fa celebrare da Sacerdoti spagnuoli, dando loro il medesimo stipendio, ritenendo per sè il beneficio del cambio.

Eme Domine N. N., sacram Purpuram pronusdeosculans, a b Eminentia tua dubii, quod hic subiicit, solutionem demisse postulat. Titius sacerdoshispanus plurima sacra litanda facillime in Lusitania colligere solet, quorum stipendium aere lusitano recipit; hoc in aeshispanum permutato, excentum quibusque obolis, XXXV aut etiam XL Titius lucratur. Haec Sacra hispanis sacerdotibus litanda tradit, iisque id e m stipendium dat; sed foenusex aeris permutatione per ceptum sibi retinet.

[*Latin ed. p. 624*]

624 FROM THE SACRED COUNCIL. Many believe that Titius has acted well, because there is no law that forbids this action, and natural law permits it as a fruit of industry. Furthermore, Titius, with this profit, covers the expenses necessary for collecting and distributing so many Masses; he compensates for the losses he suffers when he cannot collect stipends for Masses celebrated; he receives compensation for his work, and at the same time, he does a charity to so many poor priests who, otherwise, would have no stipend for celebrating the Holy Mass. But since this doctrine is beginning to spread throughout Spain, it is fitting that this Sacred Tribunal declare its judgment on the following doubts: 1. Is it lawful for Titius to retain the benefit of the exchange of Portuguese currency with Spanish currency? 2. If not, does he incur the censure reserved to the Pope by the Apostolic Constitution *Apostolicae Sedis*?

Plerique Titium optime se gessisse autumant; quia nulla lex est, quae id vetet; atque ipsumnaturae ius, uti fructum industriae, permittit. Praeterea Titius hoc lucro, sive pro impensis, quae tot sacris colligendis distribuendisq uenecessariaesunt; sive pro damnis, quae subire cogitur, cum stipendia sacerdotibus litantibus debita, exigere nequit, aliquatenus compensatur: operae suae pretium obtinet, mag noqueegenissacerdotibus adi umento est, qui secus stipendia e x Sacris litandis nunquam habere

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possent. Sedquoniamhaec doctrina per Hispaniam late diffundi coepta est, expedit omnino, ut S. Tribunal super dubiis, quae hic subiiciuntur, iudicium proferat. I. An Titio liceat foenusex aeris permutatione perceptum retinere? 2. An, si id nequaquam ipsi licere existimatur, in anathema Papaereservatum per Constitution. Apostolicae Sedis, incid issecensendus sit?

On November 21, 1898, the Sacred Congregation of the Holy Roman Church, of the Most Holy Council of Trent, Interpreters, responded to the above-mentioned doubts: To the first: Negatively. To the second: In particular cases, recourse should be made. Thus it is found in the document with the title N. N. In witness whereof, etc., U.M.U.M. C. DE LAI, Pro-Secretary.

[*Latin ed. p. 625*]

625 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF AVIGNON. NORMAL ORDINANCE. MARCH 17, 1899. In these recent times, a great discussion has arisen among the Bishops of France, as well as in the Congregations of religious women dedicated to the instruction and education of girls, concerning the establishment of normal schools for sisters who desire to obtain a license or diploma for teaching in higher courses. The occasion for this debate was a certain book, entitled "Religious Teachers and the Necessity of the Apostolate," published by Sister Maria of the Sacred Heart, of the Congregation of the Daughters of Our Lady; in this book, several things are mentioned concerning the inferiority of the schools of religious women, under the twofold aspect of instruction and pedagogy, compared to schools of the state; to avoid this evil, a new method and system of studies is proposed and defended through the foundation of normal schools, which, on the one hand, while meeting the desires of families entrusting their daughters to these religious, on the other hand, place religious teachers in a position to emulate secular schools. In order that in this matter of such importance, some certain norm might be established, the Archbishop of Avignon, at the end of the past year, decided to consult the Apostolic See, through appropriate letters. The Holy Congregation of Bishops and Regular Canons, to which other requests concerning the same matter had also arrived, at the mandate of the Holy Father, issued the following circular letters to all the Bishops of France. By the mandate of the Most Holy Lord, Our Father, Leo, by the Grace of God Pope XIII, I beseech Your Eminence (for a Cardinal, Eminence) to briefly inform this Holy Congregation. Vol. XXXI. page CCLXX. 40.

[*Latin ed. p. 626*]

626 AVIGNON. To the Most Eminent and Reverend Fathers, concerning the matter which Your Eminence has brought to our attention, arising from a request made by a certain Sister, "Mary of the Sacred Heart,"

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of the Congregation of Our Lady, in Gallus, regarding the establishment of a school, as they claim, "Normal" for the more advanced education of young women dedicated to God, who are destined for the office of teaching in various female institutions. Indeed, it is the opinion of Your Eminence, having previously considered this matter and the sentiments of other Holy Prelates, to judge whether and how certain requests should be approved, which seek to have this matter settled and defined by Apostolic authority. Meanwhile, however, nothing is more desirable than that silence be maintained on this matter. These matters were to be communicated to Your Eminence, to whom I pray for all blessings from the Lord (for the Cardinal, Your Eminence, to whom I humbly offer my greetings). The Bishops, in their responses to the Holy Congregation, have expressed various opinions. Some indeed believe that the method of teaching followed by the Sisters in Gallus is somewhat deficient, and therefore the proposal made by Sister Mary of the Sacred Heart should be considered in some respect, but always with dependence on the Holy See. Others, on the contrary, believe that the system of studies established by the Sisters is sufficient and answers its purpose, and therefore the aforementioned request should be rejected. Due to the laws of prudence and a prohibition of the Holy Congregation, further details are not included. With these opinions received and other matters examined, this weighty question was brought before the plenary session of the Fathers, on March 17, 1899, who, after careful deliberation, issued a decision, as follows, to the Bishops of Gallia. Most Illustrious and Reverend Lord: In the plenary session of the Most Eminent Fathers of this Holy Congregation of Bishops and Regular Canons, held in the Vatican buildings on March 17, 1899, the following matter was proposed:

[*Latin ed. p. 627*]

AVIGNON. 627 Concerning Avignon. The Normal School, under the following doubtful formulas: 1. Whether it is fitting to approve the plan for the establishment of a large Normal School for Religious teachers, as proposed in the document of Sister Maria of the Sacred Heart. And, secondly, whether some measures should be taken to improve female instruction in Religious Institutes. After mature consideration of the entire matter, the Most Reverend Fathers judged that the following should be answered: To the first: negatively, and the book is worthy of censure. To the second: there is no place for a general decree; provision will be made, as necessary, in particular cases; in the meantime, it should be made known to the Religious congregations of women, to whom, by apostolic approval, the task has been entrusted of instructing young girls in piety and knowledge, that they have acquitted themselves very well in the Christian and civil education of girls; and therefore, this Holy Congregation, while rendering them due praise, hopes that they will not fail in their work in the future, and that, with the guidance and assistance of the Bishops, they will employ suitable means to

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be able to fully respond to the just desires of Christian families and to lead the young women entrusted to them to that education which befits a Christian woman. And after a report was made on the foregoing to His Holiness Pope Leo XIII in an audience held by the undersigned Cardinal Prefect on March 24th, His Holiness was pleased to ratify and confirm the judgment of the Most Reverend Fathers in all respects. This has been communicated on behalf of the Holy Congregation to Your Eminence, and I pray that all things may go well with you, as a testament to my obedience. Rome, from the Secretariat of the Sacred Congregation of Bishops and Regular Canons, March 27, 1899.

[*Latin ed. p. 628*]

628 FROM THE HOLY CONGREGATION OF RITES IN RHEIMS. Concerning the canonization of the Blessed John Baptist de la Salle, founder of Christian schools. REGARDING THE DOUBT: Whether and concerning what miracles it is established that, in the case of the person in question, natural powers were not abandoned, but rather, firmly rooted in the high faith of Christianity and supported by the protection of divine grace, and that wondrous examples have been shown, of those whom the Church has raised to the honors of the blessed. For, besides the countless number who, for the sake of religion, were killed as martyrs, undefeated, others have been taken up with Christ, leading a solitary life, so pure that they have seemed to contend in virtue with the angels; and others, as if struck by the waves of public life, have wonderfully benefited even in common endeavors. To these latter belongs John Baptist de la Salle, founder of a Religious Family, to whom the name of Christian Schools rightly belongs, a man whom the seventeenth century glorifies. He was born in Rheims, in France, in the year 1632, of a noble family. Having completed his youth piously and with integrity, and having been chosen at the age of sixteen among the canons of the metropolitan Church of Rheims, he, to the surprise of all, accepted the priesthood, not only without hesitation, but even with great eagerness. For he rightly judged that he should seek not his own things, but the things of Jesus Christ, and he began to perform this office most holily for the salvation of many. And although, in this ministry, he proved himself equal to all kinds of duties, nevertheless, he seemed to be designated by divine Providence for the Christian education of the young. Therefore, he founded schools, which are called primary schools, in France, and he introduced a method of teaching and instruction, which, through the institution of a religious family, he made permanent, and which long use has greatly approved in almost all regions of the world. He also wanted to form teachers, a discipline by which our age boasts, as if newly introduced. Therefore, it is not surprising that the nation of France has publicly

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honored this man, who so greatly deserves it.

[*Latin ed. p. 629*]

EX. S. C. RITUUM 629. Truly, the greatest and most lasting glory has been conferred by the illustrious virtues, born from the deepest sense of religion, which have yielded abundant fruits, and have been of great benefit to civil society as well. For true faith in a man is not dead without works; singular piety; a fervent zeal for the salvation of his neighbors. For the fire of charity burned so strongly within him, that he rejected the best goods and comforts of his family, and even relinquished honors, pursuing a humble and austere way of life, subject to no difficulties, insults, or reproaches. Finally, he passed away on the seventh of April in the year 1719, having established throughout various regions of the world the Congregation of the Brothers of the Schools, who have merited the highest praise for their work in Christian and civil education. Although, due to the sanctity of this man, and even the miracles attributed to him, the granting of the honors of the Blessed in Heaven could have been considered much earlier, it seems to have been divine providence that he should be publicly presented at this time, so that the divine sentiment, "The fear of the Lord is the beginning of wisdom. A good understanding to all that do it." might be impressed upon the minds of many, for as the young are either instructed away from God, or, if they are taught without the guidance of the Holy Spirit, they are led by human prudence alone, so that the words of St. Augustine remain true: "Where the love of God does not reign, there the carnal lust reigns." From these things, it is easily understood that it is not only fitting, but also beneficial, to include in the book of saints the image of this man, who represents the divine Master, who said: "But Jesus said to them." (Matt 19:14) For these reasons, at the request of the members of the Brothers of the Schools, the highest honors were to be conferred upon their Blessed Founder, John Baptist de La Salle, and, through his intercession, two miracles were brought to light. With the permission of the Apostolic See, a thorough investigation was conducted, and the processual records were examined and approved by the Congregation of Rites. The first of these miracles occurred in the year 1789, in the college of Ruthen, in France. Leopoldus Tayac, a young boy, was afflicted with a very serious illness, so that all hope of enough recovery was abandoned by the doctors, and he was in such a condition that he was close to death. Suddenly, while praying to B. John Baptist de La Salle, the young man was cured of his illness. The second miracle occurred in the same year, in a religious house.

[*Latin ed. p. 630*]

630 FROM THE RITUAL of the Congregation of the Missions, commonly known as Maison Neuve, near Marianopolim. Brother Netheelm, of the Congregation of Christian Schools, was afflicted with an incurable paraly-

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sis, so that he could neither stand nor move even the smallest part of his body. Therefore, being completely deprived of all hope from physicians, he, prostrate before the image of the Blessed John the Baptist, begged with many tears that he might be seen and helped. It is astonishing! Suddenly, he felt his legs come to life, and he regained movement, so that he, who had appeared to be almost dead, now seemed to be revived and vigorous. These miracles have been examined in three separate proceedings according to the established rules. First, in the preliminary meeting held on the thirteenth day before the Kalends of August, in the year 1897, in the chambers of the Most Reverend Cardinal Lucidus Maria Parocchi, Relator of the Cause; then, in the preparatory meeting convened at the Vatican on the third day before the Kalends of September, in the year 1898; and finally, in the general meeting held there before the Most Holy Pope Leo XIII, on the ninth day before the Kalends of March, of this present year. After these proceedings, the Most Reverend Cardinal Lucidus Maria Parocchi proposed the question for discussion: "Whether and concerning which miracles it is established in this case, and to what effect." All the Most Reverend Cardinals and other Consultors gave their votes; and the Blessed Father, having considered their opinions regarding the proposed healings, expressed his judgment in the following manner, humbly imploring divine light: "We desire that this man, who has enhanced the name of France and illuminated the entire Church with his virtue, may soon and happily receive the highest honors. "Therefore, today, on this Sunday, the fourth after Easter, it was decided to bestow the title of "Blessed" upon John Baptist de La Salle. Therefore, having diligently performed this sacred act, he entered this house at the Vatican and, having summoned the Most Reverend Cardinal Camillus Mazzella, Bishop of Praeneste, Prefect of the Sacred Congregation, and Lucidus Maria Parocchi, Bishop of Porto and Santa Rufina, Promoter of the Cause, and also John Baptist Lugari, Promoter of the Holy Faith, and myself, the undersigned Secretary, and with them present, he solemnly declared: "It is established that two miracles have occurred; namely, the first: the instantaneous and perfect healing of the young man, Leopold Tayac, from a very serious pneumonia with cerebral and lethal symptoms; and the second: the instantaneous and perfect healing of Brother Netheelm of the Congregation of the..."

[*Latin ed. p. 631*]

FROM THE SACRED CONGREGATION FOR THE CULT OF THE HOLY CHURCH: "Concerning those afflicted with chronic transverse myelitis of the lumbar region and with ulcers on the legs." This Decree was published for the common good and ordered to be recorded in the acts of the Sacred Congregation on the eve of the Kalends of May in the year 1891. CARDINAL MAZELLA, Prefect of the Sacred Congregation. L. DIOMEDES PANICI, Secretary of the Sacred Congregation.

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FROM THE SACRED CONGREGATION CONCERNING THE DISCIPLINE OF RELIGIOUS ORDERS: A Question Arises: Whether a Bishop is obliged to receive secularized Religious, and whether he can employ them in the sacred ministrations.

Most Reverend and Reverend Fathers, Regarding the difficult situation of Religious today, the Sacred Congregation concerning the Discipline of Religious Orders, after mature deliberation, having heard the Superiors General of the Orders, has decided and decreed the following concerning those Religious who, deprived of the grace of their vocation, or for some other reasonable cause, have chosen to live outside the cloister, and who, over time, wish to:

"That they be granted the faculty of remaining outside the cloister, having relinquished their regular habit, for a period of one year, provided that they establish a patrimony for themselves; that they find a benevolent Bishop willing to receive them; and that, subsequently, for permanent secularization, they again petition, and in the meantime, by performing sacred duties and preaching the word of God, they may be of benefit to the faithful people through pious conversation."

However, these dispositions do not diminish the jurisdiction of the Bishop in any way: for the Ordinary is not obliged to incorporate them into his clergy, nor to offer them ecclesiastical benefices; but, provided the concession remains valid, and with the subsequent prorogation granted by the Apostolic See, he can, if he wishes, enable them to perform sacred ministrations within his Diocese.

Nor does the Decree of August 1892 raise any doubts concerning this manner of acting, because it affects only recently established Institutes of simple vows by the general rule; and it concerns only the Orders properly so-called, in which solemn vows are made.

[*Latin ed. p. 632*]

632 FROM THE SUPREME DISCIPLINARY CONGREGATION REGARDING RELIGIOUS ORDERS. Religious are called by this name. However, this exception, if it should occur, is noted most clearly in a specific decree, so that the Rescript and its conditions constitute a law for the individual: and only from him must the Ordinary demand an accounting. Indeed, in letters which, on July 4th of the current year, Your Eminence sent to this Holy Congregation, reference is made to the Most Reverend Fathers of the Order of the Most Holy Trinity – and concerning whom, as they state, – "that a certain Bishop, desiring to offer some benefit to these, wishes to assume the burdens of a benevolent receiver; and therefore requests permission that they may exercise the Order at their discretion, etc." This Holy Order responded: "Religious of this kind are secularized for a year and a time, as mentioned above: they belong to the Orders of solemn vows; therefore, unless there are any special

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impediments, they do not require any new faculty, so that, by the authority of the Bishop, they may perform the sacred ministrations in the respective Diocese." And these things have been said, so that the law and rule for acting in this matter may be made known to you; to whom we pray that the Most High and Good God may grant all blessings. Rome, August 16, 1898. Your Eminence, With utmost devotion, S. CARDINAL VANNUTELLI, Prefect. FROM THE HOLY CONGREGATION FOR INDULGENCES. DOUBTS CONCERNING INDULGENCES GRANTED BY A BISHOP. The Bishop of Montis Politiam presented the following doubts to this Holy Congregation, which is responsible for Indulgences and Sacred Relics: I. – Do the Indulgences which the Bishop grants have validity only within the limits of his diocese, or also outside of it? II. – Can they be acquired within the limits of the diocese even by the faithful who are not subject to the Bishop granting the Indulgences?

[*Latin ed. p. 633*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 633, III. – Can those subordinate Bishops who grant Indulgences be permitted to do so while residing outside their diocese? And the Most Reverend Fathers assembled in the Vatican Palace, having considered the doubts presented, responded on May 5, 1898, as follows: To I. Affirmative, to the first part; negative, to the second, unless it concerns subordinate Bishops granting Indulgences, and personal Indulgences. To II. Affirmative, provided that the Indulgences are not granted to a particular group of persons. To III. As stated in the first. After these matters were brought to the attention of His Most Holy Father, Pope Leo XIII, in an audience held on May 26, 1898, by the undersigned Cardinal Prefect, the same Holiness benignly approved the resolutions of the Fathers. Given in Rome, from the Secretariat of the same Sacred Congregation, on May 26, 1898.

[Signature] FR. HIERONYMUS M. CARD. GOTTI, Prefect.

[Signature] L. S. f ANTONIUS ARCHIEP. ANTINOEN., Secretary.

FROM THE SACRED CONGREGATION OF THE HOLY ROMAN INQUISITION.

Most Reverend Father, a Bishop from Costa Rica in Central America presents the following doubts for consideration: Although it has not been publicly recorded that the Council of Trent was promulgated in the dioceses of Nicaragua and Costa Rica, it has never been doubted that its laws were in force throughout Latin America (and even chapter I, session 24, concerning marriage). Nevertheless, a doubt arises as to whether this Tridentine law must be promulgated in newly established parishes, especially in places where the majority of the inhabitants are heretics. The specific case is as follows: The Port of Limon, in the year 1870, was an uncultivated

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region consisting of forests. The first inhabitants were heretical Negroes, and some Costa Rican Catholics. In the year 1893, a parish was established in the same port, where there are 1000 Catholics and 4000 heretics.

[*Latin ed. p. 634*]

634 FROM THE SACRED CONGREGATION OF THE INQUISITION, I. Does the law of Trent concerning the celebration of marriages apply solely because that land belongs to a diocese where the law is published, or must it be newly published? II. Are marriages valid that are celebrated by heretics before a non-Catholic minister or before the government in the port of Limon? III. In the year 1897, twenty-seven heretics renounced their errors and returned to the Church. The parish priest asks what should be done with those who have entered into marriage, as explained above. After conditional baptism, etc., must marital consent be renewed, or not? IV. Is it fitting, in order to dispel doubts, for the Council of Trent to be published? V. Is it fitting to petition the Holy See regarding marriages of heretics, as was granted by Benedict XIV on November 4, 1741, for the federated provinces of Belgium and Holland? Thursday, November 23, 1898. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Most Reverend Cardinals, General Inquisitors, concerning the above-mentioned doubts, and after the vote of the Most Reverend Consultors, the same Most Eminent and Most Reverend Fathers were commanded to respond: To I. It is decreed that, although the decree of Trent should be considered as already promulgated throughout the entire Diocese of Costa Rica; therefore, it is not necessary to newly promulgate the same decree in the new parish of Port de Limon. To II. The answer is: Negative, as stated in the preceding point. To III. Affirmative; and the Decree of the Holy Office of November 20, 1876, should be given (1). (1) The tenor of this decree is as follows: "Whether baptism under a condition should be given to heretics who are converted from any place and belong to any sect? - It is answered: - No, but in the conversion of heretics, from whatever place or sect they may come, inquiry must be made into the validity of the baptism received in heresy. Therefore, an examination should be made in each case, and if it is found to be either null or not at all conferred, they should be absolutely baptized. But if, after the investigation, nothing is revealed either for or against the validity, or if a probable doubt about the validity of the baptism still remains, then they should be baptized under a condition. Finally, if it is established to be valid, they should only be received for the sake of abjuration, or profession of faith."

[*Latin ed. p. 635*]

FROM THE SACRED CONGREGATION 635, Articles 1 to 4. The necessity of publication is not to be disregarded. To V. [Very Reverend Father],

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Negative. On Thursday, the 25th of the same month and year, during the usual audience granted to the Reverend Father, Assessor of the Holy Office, after having informed His Most Holy Lord, our Pope Leo XIII, by Divine Providence, the Most Holy resolution, approved by the Most Eminent and Reverend Fathers, was communicated. I, Canon Mancini, Notary of the Sacred Roman and Universal Inquisition.

DUBIUM (Doubt): Whether a delegate from the Pope can, without restriction, delegate further. On Thursday, December 14, 1898. The following doubt was proposed to the Supreme Sacred Roman and Universal Inquisition to be answered: "Can a diocesan Bishop, without a special concession, delegate to his Vicars General, or to other ecclesiastical persons, in a general manner, or at least for a particular case, the powers which have been delegated to him for a time by the Apostolic See?"

Furthermore, in the General Congregation held by the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, after mature deliberation on the aforementioned doubt, and with the prior opinion of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers responded as follows: "Affirmatively, provided that it is not prohibited in the powers themselves, nor is the right to delegate restricted to some only; in this case, the strict form of the Rescript must be observed."

Then, on Friday, the 16th of the same month and year, during an audience granted to the Reverend Father, Assessor of the Most Holy Lord, our Pope Leo XIII, by Divine Providence, the Most Holy resolution of the Most Eminent and Reverend Fathers was approved. I, Canon Mancini, Notary of the Sacred Roman and Universal Inquisition.

DUBIUM: It is asked how many impediments to marriage are found between two nephews descended from a common ancestor.

Most Blessed Father,

It often happens in Gallia that a marriage is celebrated between those who are related in the second degree of consanguinity, whose descendants, after the second generation, are again...

[*Latin ed. p. 636*]

636 From the SACRED CONGREGATION, in the same degree, marriages are prohibited; therefore, in this later case, there exists a double common stem of origin, one principal and more distant, in the fourth degree, the other intermediate and closer, in the second. Indeed, in these circumstances, there is not a single opinion among the authorities regarding the number of impediments and the necessity of declaring them. Some believe that only one impediment of consanguinity exists in cases involving an impediment of the second degree, namely, in the second degree of relationship; and once the closer stem has been considered,

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no further attention need be given to the more distant stem of the fourth degree, because, they say, canonical jurisprudence prohibits the same stem from being mentioned twice in the enumeration of impediments. Others, on the contrary, maintain that, besides the aforementioned impediment of the second degree, about which there can be no dispute, there are two other impediments of the fourth degree that must necessarily be declared, under penalty of nullity; one, when the line of the bridegroom, through the paternal line, and the line of the bride, through the maternal line, extend to the common stem of the fourth degree; the other, when, conversely, the line of the bridegroom, through the maternal line, and the line of the bride, through the paternal line, lead to the same stem of the fourth degree; and these authorities do not consider that the rule mentioned above, which prohibits the same person from appearing in both lines simultaneously, has been violated, since it does not prevent the passage through two different persons, the grandfather and grandmother, who constitute the intermediate stem. Finally, some believe that both opinions are probable in law, and that it does not affect the validity of the marriage whether the first (regarding a single impediment) or the second (regarding three impediments) is applied in practice. With these matters established, the number of marriages between cousins is lamentably increasing day by day; to alleviate the torments of conscience, the Bishop of Cenomanensis, prostrate before the sanctity of God, humbly requests a solution to the following doubt: In the case of an intermediate stem (second degree) arising from two individuals who are again related (in the second degree), does a single impediment of consanguinity exist, and must it be declared in the petition for a dispensation, namely, only that which proceeds from the closer intermediate stem?

[*Latin ed. p. 637*]

FROM THE SACRED CONGREGATION FOR THE INQUISITION 657. Furthermore, two other impediments must be considered and declared, originating from a more distant common ancestor through lines connected to the intermediate ancestor. On Thursday, March 1st, 1896. In the general Congregation of the Sacred Roman and Universal Inquisition, regarding the aforementioned request, the Most Eminent and Reverend Lords Cardinals Inquisitors General, after the vote of the Most Reverend Consultors, decreed that the following should be answered: Negatively to 1; Affirmatively to 2. On the following Friday, the 12th of said month, the Most Holy Lord Pope Leo, Divine Pontiff XIII, in an audience with the Reverend Father Assessor of the Sacred Office, graciously approved the resolution of the Most Reverend Fathers. I, CANON MANCINI, Notary of the Sacred Roman and Universal Inquisition. DECLARATIONS Regarding the preceding decree: It is asked how many impediments are found between the children of two brothers who have married two sisters. Most Blessed Father, The

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response of the Sacred Office given to the Bishop of Cenomannum concerning the multiplication of impediments of consanguinity has been recently published, in the case where two spouses are related in the second degree of consanguinity, having a grandfather and grandmother in the second degree of marriage; from which response it clearly follows: 1°. In the case considered, there is not only an impediment in the second degree, but also in the fourth degree; 2°. Therefore, it is not sufficient to declare, nor to grant a dispensation from the impediment in the second degree; and therefore, a marriage contracted in this manner, that is, declared and dispensed from only the impediment of the second degree, is null. Furthermore, it follows that 3°. The consanguinity in the fourth degree is double; because since the grandfather and grandmother of the spouses are not related through a single line, but as distinct persons, and therefore distinct ancestors, there are already two paths to ascend to a further ancestor. It appears that this double consanguinity in the fourth degree constitutes such an impediment that, if it were declared to be only one, it would...

[*Latin ed. p. 638*]

638 From the Sacred Congregation, and a dispensation from the impediment is granted in the fourth degree (it being also declared and a dispensation granted for the other impediment in the second degree, equally), the marriage would be null. However, the more frequent practice in the ecclesiastical courts of our regions is to consider only a double impediment, not a triple one, in the case proposed, and to grant a dispensation for it: namely, one in the second degree, and the other in the fourth degree. Therefore, were these dispensations given to be of no consequence, and the marriages thus contracted to be invalid? For weighty reasons seem to be present concerning the validity of marriages. For: 1°. While the petitioners present the genealogical tree, from which it clearly follows that they descend into the second generation from parents who contracted marriage in the second degree, they reveal everything openly, and there appears to be no room for deception or trickery. 2°. While the court, considering the case and the genealogical tree, grants a dispensation only for a double impediment, it contemplates the matter as it is, and intends to consider the true nature of the case; and it would seem harsh to say that the marriage was null, because the court, having all the elements of the case, saw only a double impediment, while there was a triple one.

But another difficulty arises from the aforementioned decision. For, in the case where two brothers marry two sisters, the impediment of consanguinity would not be a double impediment only, but a quadruple impediment in the second degree. Because, indeed, if the father and mother of each are not related in a single line, then, with regard to each of the children, there are two ways of ascending to a further double line, so that there are four impediments, which no author, as far as I know, has taught,

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and which no court, as far as I know, observes in practice; when, indeed, there are affianced parties whose father and mother are respectively the brother and sister of the other's father and mother, the courts petition for or grant a dispensation only for a double impediment in the second degree.

Since, moreover, in this Diocese of N. there are countless marriages contracted with various impediments of consanguinity, a solution to the following doubts is urgently requested from the Sacred Congregation of the Holy Office, namely: 1°. When two betrothed are in the second degree of consanguinity, and their grandfather and grandmother themselves contracted marriage in the second degree of consanguinity, so that...

[*Latin ed. p. 639*]

FROM THE SACRED CONGREGATION OF THE INQUISITION 059: Whether those related by the fourth degree of consanguinity require, and whether a dispensation must be sought and obtained concerning the triple impediment, namely, whether it is valid to seek and obtain a dispensation concerning only the double impediment, namely, the equal second degree and the equal fourth degree? — And concerning this, a negative response to the second part; II. What is to be done regarding marriages contracted in this diocese with a similar dispensation, namely, concerning only the double impediment in the second and fourth degrees? III. If two brothers have married two sisters, whether the number of those descended from them would be subject to a double or quadruple bond of consanguinity in the second degree? — And concerning this, the quadruple; IV. Whether marriages contracted between such persons are invalid, with dispensations granted only concerning the double impediment in the second degree? — And whether they are invalid; V. What is to be done regarding marriages contracted in this diocese in this manner? And God, etc. Thursday, the 22nd of February, 1899. In the General Congregation held by the Most Eminent and Reverend Cardinals, as Inquisitors General in matters of faith and morals, after the aforementioned doubts were proposed, and with the prior vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers are to respond: Regarding I. Concerning the first part, affirmatively, as on the fourth day of March, 1896, in Cenoman. — Regarding the second part, likewise affirmatively; provided that the case is explained as it is, notwithstanding a material error in the computation of impediments. Regarding II. As provided in the preceding. Regarding III. Only concerning the double impediment of consanguinity in the second degree. Regarding IV and V. As provided in the preceding. On the following Friday, the 24th of the same month and year, in an audience granted to the Most Holy Lord Pope Leo XIII, Pontifex Maximus, by the Most Reverend Father, the Reverend Prelate, the Assessor, the Most Holy Lord approved the resolution of the Most Eminent and Reverend Fathers. I. CAN. MANCINI,

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Secretary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 640*]

640 FROM THE SUPREME SACRED INQUISITION: A QUESTION is raised concerning whether a priestly ordination is valid if the chalice containing wine is absent in the traditional manner. Most Blessed Father, Bishop N. N., humbly prostrates himself before Your Holiness and explains: Recently, during a general meeting of the Orders, on the Saturday of the Fourth Week of Advent, it happened that to the priests being ordained, along with the paten and the Host, a chalice without wine was presented, due to the mere carelessness of the sacristans. The matter proceeded without anyone noticing, and it was not until the evening that it was discovered, by which time all those ordained had already departed, and none of them suspect the defect. Therefore, the humble petitioner asks: I. Is it possible to proceed in this manner? And, if the answer is negative; II. What is to be done in practice? And God grant [His blessing]. Thursday, January 11, 1899. In the general Congregation of the Supreme and Universal Inquisition, held by the Most Eminent and Reverend Cardinals, in their offices as General Inquisitors, after the aforementioned questions were presented, and after the vote of the Reverend Consultors was heard, the same Most Eminent and Reverend Fathers ordered that the following response be given: Regarding I and II: The ordination must be repeated in its entirety, under any condition and in secret, and I speak with the Most Reverend [Cardinal], so that he may provide from the treasury of the Church, as necessary, for the Masses celebrated by the ordained priests, as in this case. On Friday, the 13th day of the same month and year, during the customary audience granted to the Reverend Father D. N., the Assessor, a report on all of this was given to the Most Reverend D. N. Leo, Divine Providence, Pope [Pius] XIII, and the Most Reverend approved the resolution of the Fathers and granted [his] grace. I. Canon Mancini, Notary of the Supreme and Universal Inquisition.

[*Latin ed. p. 641*]

641. The universal indiction of the Jubilee Year of 1899. As the century draws to a close, and We ourselves, with the passing of time, approach the end of Our earthly life, We have, desiring to follow the example of Our predecessors and to promote the salvation of the Christian people, decided to institute a Jubilee, so that it may serve as a lasting testament to Our pontificate, whatever efforts We may have expended in the service of the Holy See. We declare this to be a GREAT JUBILEE, an observance long established in Christian custom, sanctioned by the foresight of Our predecessors: it is called the Holy Year, as tradition dictates, because it is usually accompanied by the most sacred ceremonies, and above all, because it provides abundant means for correcting morals and renewing souls in

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holiness. We ourselves are witnesses to the great benefit it conferred on those who, in recent times, were solemnly received by it, namely, when We were young, by Pope Leo XII. At that time, Rome provided a most magnificent and secure stage for public religious observances. We remember, and even now we see, the great throng of pilgrims: they thronged the most august temples, arranged in orderly ranks; crowds of men preached the Gospel publicly; the most celebrated places of the city resounded with divine praises; and the examples of piety and charity were visible to all, with a large retinue of Cardinals accompanying the Pope. The memory of those times is vividly recalled, and We hope that, if circumstances permit, and without any impediment, these things may be accomplished, for they are wont to greatly foster and encourage popular piety. But now, given the changed circumstances of the city, either there is no possibility of doing these things, or they are subject to the will of others. Nevertheless, We are confident that God will grant a prosperous course to this Our intention, which We have undertaken with gratitude and in His glory, and that He will bestow blessings without offense. For what do We seek, and what do We desire? We seek only this: to lead as many people as possible to the attainment of eternal salvation, and for this purpose, to apply those remedies for the ills of the soul which Jesus Christ willed to be in Our power. And this, We believe, is not only Our apostolic duty, but is plainly demanded by the very nature of the times. For the world is not barren of Christian works and praises; on the contrary, the Acts, Vol. XXXI, p. CCCLXXI.

[*Latin ed. p. 642*]

642 The examples of piety are abundant, with God's help, and there is no virtue, however sublime and arduous, that does not excel a great number of people. Let us see if the Christian religion, which possesses the power to create and foster virtues inherent in the Divine nature, and which is inexhaustible and perpetual, does not demonstrate this. But if we look around, we see on the other hand, what darkness, what error, what immense multitude is rushing headlong into eternal ruin! We are deeply grieved whenever it comes to mind how many Christians, granted the freedom to think and feel, greedily drink in the poison of false doctrines, and daily corrupt the divine faith within themselves. From this arises weariness of life in Christians, and widespread corruption of morals: from this, that insatiable and unappeasable craving for things, and that preoccupation with worldly cares and thoughts, which distracts them from God, and keeps them fixed on the earth. From this most deplorable source, it is scarcely possible to say how much ruin has already been inflicted upon the very foundations of society. For the rebellious spirit, the turbulent movements of the passions of the people, the blind dangers, the tragic crimes, are, if we look into the cause, nothing other than a certain unrestrained and lawless

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struggle to acquire and enjoy worldly things. Therefore, it is important, both privately and publicly, to admonish people of their duty, to stir up hearts dulled by habit, and to call back to the pursuit of salvation those who, in the very near hours, are on the verge of losing, through negligence or pride, the heavenly and immutable goods for which they were born. But this is the time of the sacred year: for during this time, the whole Church, mindful only of gentleness and mercy, and using every possible means and effort, strives to direct human affairs towards the better, and to encourage each and every one to amend their lives through penance. With this purpose in mind, it strives, through multiplied supplications and increased insistence, to appease the outraged majesty of God, to invoke the abundance of divine gifts from heaven, and to call upon the entire Christian world to hope for forgiveness, opening wide the treasures of grace that have been entrusted to it for distribution, so that even those who resist may be overcome by the abundance of love and indulgence. From these things, what should we expect if God wills it, and if the times are opportune? To increase the opportunity, certain extraordinary events are taking place, of which, we believe, sufficient knowledge has already been disseminated: these are...

[*Latin ed. p. 643*]

INDiction 643, which indeed seeks to consecrate the solemn passage from the nineteenth to the twentieth century, so that honor may be given to Jesus Christ, the Savior, throughout the world at this time. Concerning this matter, we have praised and approved the pious plan devised by private individuals; for what could be more sacred or more salutary? All that mankind desires, loves, hopes for, and strives towards is found in the only-begotten Son of God; for He is our salvation, our life, our resurrection: to will to abandon Him is to will to perish utterly. Therefore, although the adoration, praise, honor, and thanksgiving due to our Lord Jesus Christ are never silent, but rather perpetually flourish in all places, nevertheless, no graces and no honors can be so great that they do not owe to Him infinitely more, and infinitely greater things. Moreover, how many centuries have passed with ungrateful and contemptuous hearts, who have dared to show contempt for their divine Savior for His piety, and to inflict injuries for His benefits? Certainly, the very fact that so many live contrary to His laws and precepts is proof of a flagitious, ungrateful, and wicked will. And what wickedness has this age witnessed concerning the divinity of Jesus Christ, perpetrated by the Arian heresy? Therefore, with a fervent heart, we encourage all those who have been incited by the public call to contribute to this new and beautiful plan; but it must be ensured that nothing, whether it be the Jubilee year or any other solemn observance, hinders it. In this, the meaning of religion and faith for these Catholic people is also included: to publicly denounce all that has been impiously said or done, and to publicly

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make amends for the injuries, especially those publicly inflicted, upon the most august divinity of Jesus Christ. Now, if we seek the truth, the most desirable, solid, and expressive, and just means of satisfaction is undoubtedly this: to repent of one's sins, and, having implored the mercy of God and His grace, to either diligently practice the duties of virtue or to resume those that have been neglected. Since this matter has so many opportune years at its disposal, as we have already mentioned, it is clear that the Christian people must prepare themselves with a full heart and with hope. Therefore, with our eyes lifted to heaven, we earnestly implore the Lord in His mercy to graciously approve of our intentions and undertakings, to illuminate the minds of men with His virtue, and to move their hearts to act for His glory; following in the footsteps of our predecessors, the Roman Pontiffs, and with the consent of our venerable brothers, the Cardinals of the Holy Roman Church, we decree universally...

[*Latin ed. p. 644*]

644 A Jubilee, the greatest of all, is to be inaugurated in this sacred City on the first evening of the Nativity of our Lord in the year one thousand eight hundred and ninety-nine, and to be concluded on the first evening of the Nativity of our Lord in the year two thousand, by the authority of Almighty God, of the blessed Apostles Peter and Paul, and of Ourselves, that it may turn to the glory of the Divine, to the salvation of souls, and to the growth of the Church; We declare and proclaim this by these letters, and We will that it be held and promulgated as such. During this Jubilee year, We grant, with a most generous hand, to all the faithful of both sexes who are truly penitent and have confessed their sins, and who have received the Holy Communion, that if they visit, at least once, during twenty consecutive or interpolated days, whether natural or ecclesiastical, namely, from the first vespers of one day until the complete vespers of the following day, the basilicas of the blessed Apostles Peter and Paul, as well as the basilicas of Saint John Lateran and of Saint Mary Major in the City: if they are citizens or inhabitants of Rome; or, if they have come from afar, for at least ten days in that manner, and if they offer devout prayers to God for the exaltation of the Church, for the eradication of heresies, for the concord of Catholic Princes, and for the salvation of the Christian people, We mercifully grant and bestow upon them the fullest indulgence, remission, and forgiveness of their sins. Moreover, it may happen that some, desiring to fulfill what has been prescribed above, may, for some reason, be unable to do so, either in whole or in part, perhaps because of illness or another legitimate cause, preventing them in the City or even on their journey; therefore, We, mindful of their pious intentions, grant, as far as We can in the Lord, that those who are truly penitent, and have been duly absolved by confession, and who have received the Holy Communion, may participate in the aforementioned indulgence and remission, as if they had

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actually visited the basilicas which We have mentioned, on the days which We have defined. Therefore, wherever you are, beloved sons, if it is convenient for you to be present, We earnestly invite you to come to Rome. But the time is fitting for a Catholic man, if he wishes to be pleasing to God, to conduct himself in Rome in no other way than with the companionship of the Christian faith. Therefore, it is necessary to set aside, in particular, the untimely spectacles of lighter or even profane things, and rather to turn the mind to those things which suggest religion and piety. Above all, it is fitting to consider, if one reflects deeply, the native character of the City, and its image imprinted by the Divine, which, by no human counsel, by no force—

[*Latin ed. p. 645*]

INDIGEST 645, stable. For from among all the cities of the world, the Roman city was chosen for the highest and most exalted honors by men, and it was consecrated to the Savior of the human race, Jesus Christ. He established the seat of His empire not without long and secret preparation; indeed, He commanded that His Vicar should remain there for all time; He willed that the light of heavenly doctrine should be guarded there in a holy and inviolable manner, and that it should be spread from there, as from a most august and principal source, to all lands; so that whoever dissents from the faith of Rome, also dissents from Christ Himself. The monuments of the ancient religion, the majesty of the churches, the tombs of the princes of the Apostles, and the catacombs of the most valiant martyrs, increase the holiness of these things. He who truly understands these things will surely feel that he is not wandering in a foreign land, but rather in his own, and that, with God's help, he will depart from it better than he arrived. Moreover, that these present documents may more easily reach the knowledge of all the faithful, we wish that copies of them, also printed, be accompanied by the written and sealed testimony of some public notary, established in ecclesiastical dignity, so that the same faith may be held in them as would be held if they were exhibited or shown. Therefore, no human being is permitted to infringe upon this page of Our Indiction, promulgation, concession, and will, or to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the wrath of the Almighty God, and of the blessed Apostles Peter and Paul. Given in Rome, at Saint Peter's, in the year of the Incarnation, one thousand eight hundred and ninety-nine, on the fifth of May, in the twenty-second year of Our Pontificate.

C. CARD. ALOISI MASELLA, PRO-DAT.

— A. CARD. MACCHI, VISA DE CURIA

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I. DE AQUILA, E VICECOMITIBUS

L. % S. Reg. in Secret. Brevium

I. CUGNONIUS

In the year of the Nativity of the Lord, one thousand eight hundred and ninety-nine, on the eleventh of May, on the feast of the Ascension of the Lord.

[*Latin ed. p. 646*]

646. By the authority of Jesus Christ, and by the divine providence of Our Most Holy Father and Lord Leo XIII, Pope, these present apostolic letters were read and solemnly made public in the atrium of the most holy Basilica of the Vatican in the City, in the presence of the people, by Joseph De Aquila and his colleagues of the Curia.

ENCYCLICAL LETTER from His Holiness Pope Leo XIII concerning those devoted to the Most Sacred Heart of Jesus.

As you know, we recently, according to custom and established practice, announced through apostolic letters the forthcoming celebration of the Sacred Year in the City. And now, on this day, in the hope and expectation of a most solemn and religious celebration, we earnestly implore the authors and promoters of a certain most excellent undertaking, from which, if all should readily and willingly comply, we expect, not without good reason, that great benefits will be brought to the Christian name and to the entire human race.

We have repeatedly endeavored to uphold and promote the most excellent form of religion which revolves around the worship of the Most Sacred Heart of Jesus, following the example of Our Predecessors, Innocent XII, Benedict XIII, Clement XIII, Pius VI, and Pius VII, and, in particular, through the Decree issued on the twenty-eighth of June in the year 1889, by which we elevated the Feast bearing that title to the rank of a first-class feast.

Now, however, a certain more evident form of devotion is brought to our attention, namely, that all honors which are customarily offered to the Most Sacred Heart should be as complete and perfect as possible: and we are confident that this will be pleasing to Jesus Christ, the Redeemer.

Although this, of which we are speaking, is not entirely new. Indeed, almost five lustra ago, when the secular celebrations were about to be renewed after the divine mandate concerning the propagation of the worship of the Divine Heart was received by the blessed Margaret Mary Alacoque, many supplications, not only from private individuals, but also from Bishops, were sent to Pius IX, in order to promote the common good of the

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human race.

[*Latin ed. p. 647*]

ENCYCLICAL LETTERS 647: It is desired to dedicate [this] to the most august Heart of Jesus. It was decided to postpone the matter, so that it might be determined more maturely: meanwhile, the faculty of dedicating [it] individually was given to the cities that wished, with a formula of devotion prescribed. Now, considering the circumstances that have arisen, we judge that the time has come to complete this matter. And this most excellent and greatest testimony of obedience and piety is entirely fitting for Jesus Christ, because He is the Prince and the supreme Lord. Indeed, His dominion is not only among the nations of the Catholic name, or among those alone who, having been rightly cleansed by the sacred baptism, certainly belong to the Church, if one considers the law, even if they are led astray by error of primacy, or are separated from charity: but it also includes all those who are numbered among those who profess the Christian faith, so that it is most true that the entire human race is under the power of Jesus Christ. For He who is the Only-Begotten Son of God the Father, and who has the same substance as Himself, the splendor of His glory, and the image of His substance (1), must have all things in common with Him, and therefore He has the supreme dominion over all. Behold, the Son of God Himself says through the Prophet: "I have been constituted king over Sion, His holy mountain." — "The Lord hath said to me: 'You are my son; today I have begotten you. Ask of me, and I will give you the nations for your inheritance, and the ends of the earth for your possession' " (2). By these words, He declares that He has received power from God, both over the Church, which is understood through Sion, the mountain, and over the rest of the world, as His dominion extends widely throughout it. And that this supreme power is founded on a solid basis, it is sufficiently taught by the words: "You are my son." For by this very fact, since the Son is all that the King is, He is the heir of all power: therefore, "I will give you the nations for your inheritance." These are similar to the words that the Apostle Paul has: "Who has made Him heir of all things" (3). But it must be considered most carefully that Jesus Christ has affirmed this about His dominion, not through the Apostles or prophets, but with His own words. When asked by the Roman Prefect: "Then are you a king?" He answered without hesitation: "You say that I am a king" (4). And the Apostles more clearly confirm the magnitude of this power and the infinity of the kingdom: "All power has been given to me" (1) Hebrews 1:3. (2) Psalm 2. (3) Hebrews 1:2. (4) John 18:37.

[*Latin ed. p. 648*]

648 Encyclical Letters: All power is given to Him in heaven and on earth (1). If all power was given to Christ, it necessarily follows that His do-

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minion must be supreme, absolute, subject to the will of no one, and that nothing should be equal to or similar to Him; and since it was given to Him in heaven and on earth, He must have dominion over heaven and earth. In truth, this unique right, proper to Himself, is exercised by Him, namely, by commanding the Apostles to spread His doctrine, to gather men into one body, the Church, through the laver of salvation, and finally, to impose laws, which no one could refuse without incurring the loss of eternal salvation. However, this is not all. Christ commands not only by His natural right, as the Only-Begotten of God, but also by a right acquired. For He Himself rescued us from the power of darkness (2), and He gave Himself as a ransom for all (3). Therefore, we have become a people for His possession (4), not only Catholics, but all who have rightly received the baptism of Christ, both individuals and the entire human race. In this regard, Augustine aptly says: "You ask what has been purchased? See what has been given, and you will find what was purchased." The blood of Christ is the price. But what is the value of so much?, if not the whole world? If not all nations? He gave Himself entirely, as much as He gave (5). Now, concerning why the unbelievers are held subject to the power and dominion of Jesus Christ, Saint Thomas gives a reason, explaining that when he was discussing His judicial power, whether it extended to all men, and having affirmed that judicial power follows royal power, he clearly concludes: "All things are subject to Christ in regard to power, although not yet subject to Him in regard to the execution of that power" (6). This power and dominion of Christ over men is exercised through truth, through justice, and above all, through charity. For this foundation of His power and dominion, He graciously allows a double means to be added by us, if we so desire, namely, devotion and voluntary obedience. Furthermore, Jesus Christ, both God and Redeemer, possesses the fullness and perfection of all things; we, however, are poor and needy, so that, in order that something may be given to us, He provides nothing from our own resources. But yet...

(1) Matthew XXVIII, 18.

(2) Colossians I, 13.

(3) 1 Timothy II, 6.

(4) 1 Peter II, 9.

(5) Tractate 120 on John.

(6) 3rd question, 39th article, 4th objection.

[*Latin ed. p. 649*]

ENCYCLICAL LETTERS 649 most graciously and with the utmost charity refuse that we should give to them, as if it were their own, anything that belongs to us; nay, they not only refuse, but they desire and implore: "My son, give me thy heart." Therefore, we can certainly please them with our will and with the affection of our soul. For by dedicating ourselves to them,

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we not only openly and willingly acknowledge and accept their dominion, but we also demonstrate in deed that, should they desire anything that is ours, we would give it to them with the greatest willingness; and we ask them to accept from us that very thing, even though it is entirely their own, so that it may not be burdensome to them. This is the thing about which we speak, this sentiment subject to our words.

For in the Sacred Heart is contained the symbol and the express image of the infinite charity of Jesus Christ, which moves us to love Him in return; therefore, it is fitting to dedicate ourselves to His most august Heart, which is nothing other than to surrender ourselves and bind ourselves to Jesus Christ, because whatever honor, obedience, or piety is given to the divine Heart, is truly and properly given to Christ Himself. Therefore, we encourage and urge all those who know and love the divine Heart to embrace this devotion with their will; and we earnestly desire that each one of you may accomplish this every day, so that the intentions of so many thousands of souls may be carried at the same time to the temples of heaven.

But will we allow countless others to remain ignorant, to whom the Christian truth has not yet shone? But this person is represented by us, who came to save what was lost, and who has dedicated His blood to the salvation of the entire human race. Therefore, we strive to awaken those who sit in the shadow of death to that which is truly life, by teaching the messages of Christ in all places; and now, in their stead, we commend ourselves more earnestly to the Most Sacred Heart of Jesus, and, as far as it is in us, we dedicate ourselves to Him.

Thus, this devotion, which we commend to all, will be beneficial to all. For by doing this, those in whom there is knowledge and love of Jesus Christ will easily feel their faith and love grow. Those who, having known Christ, nevertheless neglect His commandments and laws, may take the flame of charity from the Sacred Heart. And finally, we will implore heavenly help for all souls, that Jesus Christ, as He already has subject to Himself according to His power, may one day subject them according to the execution of His power, not only in the future age, when He will fulfill His will in all things, but also in this present age, so that they may be made partakers of the blessings that flow from His divine Heart.

[*Latin ed. p. 650*]

650 Encyclical letters, indeed, serve to save some and to punish others (1), but also, in this mortal life, to impart faith and sanctity; by which virtues they may serve God as is fitting, and strive for eternal happiness in heaven. Such a dedication and hope offers better things for states, as it can restore or more firmly strengthen the bonds that publicly unite them to God. — In these latter times, this has been most clearly demonstrated, so that a wall seems to exist between the Church and civil affairs. In the constitution and administration of states, the authority of the sacred and

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divine law is held in contempt, so that the customs of common life may not be touched by any power of religion. This almost amounts to removing the faith of Christ from the midst, and, if it were possible, banishing God from the earth. With such insolence and arrogance, what wonder that human affairs are disturbed, and that those who are free from fear and danger are tossed about by the waves? The surest foundations of public safety are undermined by neglecting religion. But God will inflict just punishments on the faithless, and He will deliver them over to their own lusts, so that they may serve their desires and destroy themselves through excessive liberty. Hence, that power, which has long been present and which vehemently demands to be sought, from which help may be obtained to drive away these evils. But who is that, other than Jesus Christ, the Only Begotten Son of God? For there is no other name given under heaven, in which we must be saved (2). Therefore, we must flee to Him, who is the way, the truth, and the life. It is necessary to return to the right path; for the minds are darkened; the cloud must be dispelled by the light of truth; death has taken hold; life must be grasped. Then, finally, all these wounds will be healed, and all hope of the restoration of former authority will flourish, and the ornaments of peace will be restored, and swords will be beaten into plowshares, and spears into pruning hooks, when the kingdom of Christ will be accepted by all willingly, and they will obey Him, and every tongue will confess that Jesus Christ is Lord to the glory of God the Father (3). When the Church is oppressed by the Caesarean yoke in these recent times, let the cross be seen before the young emperor, the greatest victory that He has achieved, and let Him contemplate it.

(1) S. Th. I. II. q. 94, a. 1.

(2) Acts IV, 12.

(3) Philippians II, 11.

[*Latin ed. p. 651*]

ENCYCLICAL LETTERS 651 and efficacious. Moreover, another most auspicious and divine sign is presented to our eyes today: namely, the Most Holy Heart of Jesus, depicted with a cross, shining with brilliant whiteness amidst the shadows. In it, all hope should be placed; from it, the salvation of men should be sought and awaited. Finally, and we do not wish to pass over in silence, for this very reason, privately indeed, but with sufficient reason and gravity, we were moved to undertake this, because the Author of all good, our God, preserved us not long ago from a dangerous illness. For this great benefit, increased now by our honors to the Most Holy Heart, we wish to publicly express our gratitude and devotion. Therefore, we decree that on the days of the ninth, tenth, and eleventh of the coming month of June, prayers should be offered in the principal church of each city and town, and that on each of these days, in addition to the usual prayers, the Litany of the Most Holy Heart should be recited, approved by our authority; and

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finally, on the last day, the formula of Consecration should be recited: which formula, Venerable Brothers, we send to you together with these letters. As a witness to our paternal benevolence and divine favor, we impart, with all our heart in the Lord, the apostolic blessing to you and to the clergy and people under your care. Given in Rome, at Saint Peter's, on this twenty-second day of May, in the year of our Lord 1899, the twentieth year of Our Pontificate. LEO XIII.

To the Most Holy Heart of Jesus, the formula of consecration to be recited.

Most Sweet Jesus, Redeemer of the human race, look upon us prostrate at Your altar. We are Yours, and we desire to be Yours; and that we may be more firmly united to You, today each of us dedicates himself to Your Most Holy Heart.

Many have never known You; many, having scorned Your gifts, have rejected You. Have mercy, most benign Jesus, on both; and draw all to Your Sacred Heart.

Be King, O Lord, not only of the faithful who have never deserted You, but also of those prodigal sons who have abandoned You; may they hasten to return to the paternal home, lest they perish in misery and hunger.

Be King of those whom error of opinion has deceived, or whom discord has separated; and lead them to the harbor of truth.

[*Latin ed. p. 652*]

652 Encyclical letters, that you may restore the unity of the faith, so that there may soon be one flock and one shepherd. Be, finally, the king of all those who are immersed in the superstition of the Gentiles, and do not hesitate to deliver them from darkness into the light and kingdom of God. Grant, O Lord, to your Church secure freedom with tranquility; grant peace and order to all nations: may it come to pass that from both ends of the earth, a single voice may resound: "Glory to the divine Heart, through which salvation has been granted to us: to Him, glory and honor for the ages: Amen."

*From the Most Holy Congregation of the Council of Lublin, or Warsaw, concerning the Nullity of Marriage. Dated September 10, 1898. Session 24, chapter 4, concerning the validity of marriage. SUMMARY OF FACTS. Joanna Ciechanowska, residing in the district of Neledew, in the parish of Trzeszczany, district of Hmbieszovia, on February 2, 1883, entered into marriage with Anthony Gniazdowski, who, a few years ago, held the office of an agronomist. The marriage was celebrated in Lublin, in the church of St. Spirit, and the records do not indicate the reason why the marriage was celebrated there; however, the banns were proclaimed in the parish church of Trzeszczany, where the betrothed resided. The marriage was blessed by the priest Lissowski, a relative by blood, who at that time was the pastor of the

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parish of Batorz in the district of Janovia, to whom the man had promised that he would obtain permission from the priest Morysinski, who was the proper pastor of both spouses, to bless the marriage. However, it is said that the betrothed forgot to obtain this authorization, so that the marriage appears to have been contracted without any delegation. The spouses lived together for three years, but after disagreements arose between them, the woman separated from her husband, and would not return to him. Indeed, shortly afterward, Joanna, having learned of the nullity of the marriage from the chapter concerning clandestine marriages, presented a petition.

[*Latin ed. p. 653*]

LUBLIN, OR WARSAW. 653. A petition was sent to the General Consistory of Lublin, requesting that the marriage be declared null. The Lublin ecclesiastical court duly conducted a process regarding this alleged nullity, and first, the spouses were examined, who testified under oath that they had contracted marriage before a priest who was not their proper pastor, without the delegation of their proper pastor. Witnesses were heard on the woman's side, to the number of seven, who confirmed the truth of the statements made by Joanna; however, lacking seven witnesses on the man's side, several other witnesses were dismissed by order of the court. Charles Lissowski was also questioned, affirming that he had received a delegation from the priest Morysinski, who, two months before the marriage, had died, to bless the marriage, and that the man had probably presented the letters of this delegation; but the witness refused to confirm this testimony under oath. However, nothing could be found regarding this delegation, either in the parish archives, in the episcopal archives, or elsewhere; indeed, everyone admitted that the marriage had not been recorded in writing. Therefore, the Diocesan Consistory of Lublin issued a judgment declaring the marriage null, based on the grounds of clandestine marriage. But, as was fitting, the defender of the marriage appealed to the tribunal of the second instance of the Metropolitan Court of Warsaw. And indeed, this tribunal again examined the spouses and several witnesses, including Charles Lissowski, who had blessed the marriage. However, he confirmed the testimony he had given before the Lublin court and considered it valid, and when invited to confirm this testimony under oath, he again refused, alleging that "the canon Wóiciski of the Lublin Chapter had told the man Gniazdowski that, if he swore in an ecclesiastical court to the truth of the delegation received, he would be prosecuted for perjury before the secular court." However, the Warsaw tribunal, affirming that, based on the facts, there was a presumption of a delegation granted by the proper pastor of the spouses, overturned the judgment of the first instance and declared the

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marriage valid.

[*Latin ed. p. 654*]

654 LUBLIN. OR WARSAW. At that time, Anthony Gniazdowski, not agreeing with this judgment, since the actress seemed to have abandoned the case, appealed to the Holy See, requesting that the judgment of the Metropolitan Judge be declared null and void. A Synopsis of the Dispute. THE OPINION OF A CANONIST. After briefly stating the foregoing, the Consultor asks: "In the case of the declaration of nullity of the marriage between Joanna Ciechanowska and Anthony Gniazdowski, celebrated on February 2, 1883, should the sentence pronounced by the episcopal curia of Lublin be confirmed or rejected and annulled, as it was rejected and annulled by the Metropolitan judgment of Warsaw?" The Secretary of the Sacred Congregation of the Holy Office requested that I, with the brevity that is appropriate, present my views: I maintain that, despite the reasons presented for the nullity, some doubt still remains as to whether the nullity of this marriage should be declared. Therefore, it does not appear to fall under any of the grounds for nullity under the head of "Clandestinitas." Council of Trent, Session 24, chapter. Furthermore, regarding the "Forma" of marriage, it is required that it be celebrated before one's own parish priest or another priest with the permission of the parish priest or Ordinary. "In the precise terms of this 'forma'," observes Cardinal De Luca (de Matr. disc. 3 n. 14), "it is entirely true, and universally accepted, that this is called the precise or solemn 'forma,' which does not admit of any equivalent substitute; so that if a marriage were celebrated in a public square or otherwise before a large assembly of qualified men, without the intervention of one's own parish priest, or another with his permission, it would not be sufficient." Indeed, in this marriage, the proper parish priest or a priest with his permission was absent. And it is clear, from the testimony of all, that the contracting parties were not subject to the parish of Batorz, whose parish priest was Charles Lissowski, before whom the marriage was celebrated. For all the spouses and witnesses examined, and even Charles Lissowski himself, testified that both spouses were, both before and after the marriage, and at the time of the marriage, subjects of the parish of Trzeszczao.

[*Latin ed. p. 655*]

LUBLIN. OR WARSAW. 655. For they never abandoned this place, except for those few days during which they resided in Lublin with the sole intention of contracting marriage; and afterwards, they returned to their own homes, which they subsequently moved to another location after a year and a half. Therefore, since they were neither subject to the parish of Batorz, i.e., Charles Lissowski, by reason of domicile or quasi-domicile, nor by the law of vagrants or foreigners, it follows that the parish priest required a delega-

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tion from the Ordinary, or from the parish priest of Trzeszczany, where the betrothed (as we would say now) maintained their proper domicile. But this delegation was not proven to have been granted by their own parish priest or Ordinary, indeed, the contrary appears to be the case. Therefore, in the external forum, it must be considered as if no such delegation existed, according to Trid. I. c. c. Although it requires not just any parish priest, but one who has a proper connection: for it is a proper connection that establishes a domicile or quasi-domicile. 2° Nor was a delegation granted by their own parish priest or Ordinary proven; rather, the opposite appears. For a delegation is distinguished in three ways, namely, express, tacit, and presumed or interpretative; the last of which occurs when a priest persuades himself that the parish priest or Ordinary would certainly grant him this delegation or license if he were to request it, and therefore he assists at the marriage. Moreover, among all, this presumed delegation is not sufficient for a valid assistance: because it is not an actual license, as required by the Council of Trent, but only would be if the parish priest knew... In this case, neither an express nor a tacit delegation is present. Therefore. The lack of an express delegation is proven by a) the spouses themselves, Joanna and Anthony G-nazdowski, whose testimony is supported by witnesses of the seventh hand and others suitable in this matter. For Joanna, in answer to question 7, stated: "The priest Morysinski (their proper parish priest) was invited to assist at the wedding on the day it was to take place by me, but for unknown reasons, he did not come on that day. His absence, when it was necessary for him to assist at the wedding being celebrated by the priest Lissowski, caused some concern, but because everything was prepared for the wedding, Lissowski declared that he would bless our wedding." The delegation to assist at the wedding by Lis-

[*Latin ed. p. 656*]

656 IN LUBLIN. OR VARSOVIA. The parish priest Morysinski had not obtained permission. "Anthony Gniazdowski, however, was questioned. On the 9th, Lissowski, through a telegram, which they call a 'telegram,' was invited by me to the wedding, and he was informed of the definite date. He arrived in Lublin the evening before the wedding, and neither before nor after the wedding did he mention or inquire about any formal requirements for the wedding." However, it appears that Charles Lissowski, when questioned, did not state that he had obtained permission from the parish priest Morysinski to act as a delegate for the blessing of the marriage, but rather that he had informed Gniazdowski, the groom, of the necessity of having such assistance or delegation. If Gniazdowski had possessed the letter of delegation, he would not have expected the parish priest Morysinski, and his absence would not have caused fear or anxiety. b) The lack of delegation is proven by the absence of the document concerning the celebrated marriage, or the 'marriage act,' even though the ceremony was begun with

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external pomp and display: for it could not be found in the archives of the Lublin Cathedral, nor in the archives of the parish of Trzeszczan, nor in the episcopal chancery, nor in the archives of the civil authorities. Nor is there any trace of a delegation granted in the parish archives, as testified by the present parish priest who was questioned. Indeed, if a delegation had been granted, especially in writing, the aforementioned marriage act and the delegation would have been noted in the parish registers, as any diligent parish priest would provide. However, Morysinski is praised as a very diligent priest by his successor, Jawrowski, in a letter sent to Charles Lissowski. 3° Not only was there no explicit delegation, but there was also no implicit delegation, as is evident from the contradiction of the parish priest himself, who, from the beginning, was opposed to these marriages, as was rumored, and as several witnesses testify. The clearest contradictions are given by two witnesses in particular: one is Anthony Michael Olecowski, who on the 4th responded as follows: "I heard that the wedding of those two was celebrated in Lublin. Regarding the rest, I cannot offer anything further, except that I went with Gniazdowski to..."

[*Latin ed. p. 657*]

LUBLIN, OR WARSAW. 657. The priest Morysinski, from whom the assembly requested a delegation to bless the marriage, Morysinski, who was assisting the assembly, rejected the petition. Another is Joseph Winniski, who in points 4 and 5 states: "I recall that Anthony Gniazdowski, on that day or the day before the wedding, told me about a telegram sent to Lissowski, whom he was inviting to the wedding. Since Lissowski did not arrive, we both went to the local priest, and we asked if it would be possible for one of the parish priests to bless the marriage. They replied that if there was no one present from the delegation authorized by the parish priest to bless the marriage, any of the parish priests could assist at the marriage, but only the designated delegate could legitimately perform the blessing. Since Gniazdowski said that he did not have any letters from his own parish priest authorizing a delegation to bless the marriage, and since Lissowski's priest had promised his assistance, we waited for Charles Lissowski to arrive, disregarding other attempts." He adds at 6: "After the wedding, during a conversation, some people noticed that certain formalities were missing, although they could not determine the exact nature of these omissions. I, however, pointed out that this could constitute grounds for an annulment." It cannot be said that there was a general delegation present in that diocese or province, which the parish priests might have exchanged among themselves, because there is no mention of such a general authorization, either in point 1 or in point 2. And yet, if such a delegation had been present, it would have been known to everyone, and they would have immediately sought it out. 4. Certainly, Charles Lissowski states the opposite in point 10: "I received a delegation to bless the marriage from the parish

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priest Morysinski, in the usual form. He presented me with the letters of this delegation, presumably Gniazdowski, to whom I also returned them." But this testimony seems to prove nothing, for 1. it is suspect, because he is testifying in his own favor, lest he be discovered to have disregarded the substantial form of Trent if he performed the marriage blessing without a delegation, and he would immediately be suspended. 2. To corroborate his testimony, he refers to the *Acta*, Volume XXXI, page CCCLXXI, from number 42.

[*Latin ed. p. 658*]

658 LUBLIN or WARSAW. Three witnesses, these have offered nothing to invalidate the testimony. For Lissowski, on the 13th, states: "Besides the letter from the priest Iaworowski, the parish priest of Trzeszczany, which I deposit to be included in the records of the proceedings, I summon the witnesses who say that Gniazdowski stated that he had letters of delegation to bless the marriage, granted to him by the priest Morysinski. Ignatius Baranieki and Vincent Huskowski heard this, and furthermore, my mother read a telegram in which I was invited to the wedding, and in which, among other things, it was written that I had permission to attend the wedding." Indeed, it does not appear that her mother was ever questioned judicially; moreover, he later stated that he could not depose her and have her swear against her son, according to the disposition of the law. Furthermore, Ignatius Baranieki, under oath, stated on the 5th: "I know about the nullity of marriages blessed by a foreign priest without the permission of the proper parish priest, and I have heard nothing about whether such permission was granted or not to bless the marriage of the spouses Gniazdowski." And even less helpful is Vincent Huskowski, who denies that he was present at the aforementioned wedding, and affirms that he is ignorant of the circumstances thereof. He is summoned to present a letter addressed to him by the successor of the deceased parish priest, that is, by Joseph Iaworowski; but this witness corrected his letter regarding several points as being false, although regarding some things it was true... I say that he corrected it before the Metropolitan Judge, more clearly and thoroughly than in the first instance; indeed, in the second instance, he stated among other things: "At that time, when I wrote the letter, I especially considered that Morysinski was a diligent and religious man in the performance of his duties, so that neither at that time did I understand, nor do I understand now, what happened, so that Morysinski would not grant Charles Lissowski permission to attend a legitimate marriage." 3. Finally, the testimony of Charles Lissowski is certainly worthless, because it was given without the oath required by law; for he gave it both before the Judge in the first instance, and then before the Judge delegated in the city or diocese of Lublin (because at that time he could not appear in Warsaw), and then before the Judge in

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Warsaw.

[*Latin ed. p. 659*]

LUBLIN, OR WARSAW. 659 swore an oath, saying: "I completely accept and confirm the deposition made by me in the case of the spouses Gniazdowski before the Consistorial Tribunal of Lublin on July 11, 1889. I refuse to swear an oath in good faith regarding the aforementioned statements." Indeed, according to Canon 1, 17, 29, 39, 51 concerning Witnesses, and attestations, an oath is absolutely required in any judicial cause, whether criminal or civil, even if the witness is religious, a cleric, or of conspicuous rank. Therefore, Charles Lissowski, as a non-sworn witness, is not to be believed. However, despite this, it must be asserted that it does not yet follow that the marriage is null. For: 1. If there had not been a delegation, it must be held that a tacit delegation was expressed here: it appears that this was lacking; concerning this, it appears that a tacit delegation was present. 1. 2. 3. although at least: a) Morysinski, the proper parish priest, if he had not wished to delegate, could have and should have prevented the aforementioned marriage from being blessed by the priest Lissowski. He could have warned the parties about the nullity of the marriage, he could have appealed to the Ordinary, he could have admonished the priest Lissowski. He was obligated, because he is the parish priest of both spouses, and he, after the Ordinary, had the right to be present at the marriage; therefore, he should have asserted his right, especially since a great harm to his parishioners was being done, whose perpetual contract was exposed to the danger of nullity. It cannot be said that Morysinski was unaware of the fact of the marriage being celebrated: for he had already known the place, time, and person celebrating the marriage for six months. b) The witness Telezynska, as guardian, against the will of her ward, states several things, among others, that Morysinski had said more than once, "that someone else would perhaps not be the one to bless the marriage." Furthermore, since the banns had been proclaimed and the marriage was to take place in Lublin, and another could not assist unless he himself or another priest with his permission, and knowing that this other person designated by the spouses as the one to perform the marriage was, in fact, Charles Lissowski, a respected member of the Telezynska family, a friend of the parish priest; therefore, if the parish priest Morysinski...

[*Latin ed. p. 660*]

660 LUBLIN. OR WARSAW. He announced that he would attend the wedding and did not designate another, and it follows that, having been designated by the couple, whom he sees and permits to depart for Lublin for this sole purpose, he tacitly consented; c) After the wedding, Anthony, the groom, appearing before the Parish Priest, was asked whether the marriage had been celebrated and by whom it had been blessed, and he

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replied that it had been blessed by Charles Lissowski; he acquiesced and was concerned about recording the act of consummation; therefore, a valid marriage was contracted under these circumstances. I stated that the Parish Priest Morysinski was a friend of the Telezynska family, as noted by the marriage defender of Lublin: "Furthermore, Morysinski was a familiar friend of the spouses Telezynscioi, and he always showed himself to be benevolent towards the actress; therefore, he could not have desired or permitted concubinage in place of marriage, nor a union that could be dissolved... Hence also is explained his reluctance in publishing the banns, which he finally accepted, but not alone, since nothing is prescribed, but also the wedding, as a consequence naturally following from the nature of the matter." This 2. clearly indicates evidence of an express delegation. Assuming the practice in the entire Warsaw province, as testified by the Warsaw marriage defender with these words: "I state that, according to the custom received by us, such a delegation is never given otherwise than in writing," it can already be argued that it was expressly given. Indeed, the fact of the intended marriage was well known throughout the parish, having been so for six months; the wedding was to be celebrated in Lublin on February 3rd of the following year; therefore, Morysinski could not have been ignorant, and indeed, if he had discovered that something contrary to the law was being done in such a serious matter, he would have certainly protested, according to his office, which, according to the testimony of his successor, he diligently performed, enjoying full freedom; therefore, he did not omit to grant the express delegation, in writing, to the nephew of the groom, already required to assist and bless the wedding, to Charles Lissowski. Morysinski also knew of the departure of the spouses Telezynscioi, together with the bride, of whom they were guardians, whom he greatly favored; he himself...

[*Latin ed. p. 661*]

LUBLIN, OR WARSAW. 661. The suitor, Anthony, visited the parish priest, Morysinski, at least twice: first, after, as they say, the delegation was refused, and then, when Anthony paid Morysinski 10 rubles as compensation, or as lost profit, for a marriage that was to be celebrated in Lublin, rather than in the parish to which it properly belonged, as appears from the testimony of the witness, the organist Ozatta. Indeed, if Morysinski showed from the beginning that he did not want to grant the delegation, he also showed that he did not want to travel to Lublin (especially since, after a full day of parochial duties, a journey of 100 kilometers had to be undertaken during the winter: and if he had been invited, it would have been out of a sense of duty, which is considered obligatory); therefore, in the days immediately preceding their departure for Lublin, he should have provided what was necessary for the marriage to proceed, namely, the letters of delegation. In fact, without these letters

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of delegation, neither Anthony Gniazdowski, nor the bride, nor the guardians, nor anyone else would have set foot in Lublin, for they would have exposed themselves to considerable, and fruitless, expenses, and to the danger of a marriage that might be annulled, especially since it was known that Morysinski was opposed to it from the beginning. Regarding this matter, the defender from Warsaw stated: "In our time, not even the simplest and most uneducated person would have done such a thing, let alone someone of the standing of Gniazdowski." Furthermore, before the day appointed for the wedding arrived, did not the suitor, Anthony, visit both the Ordinary and the civil magistrate because of the unjust refusal? But peacefully and with tranquil minds, the guardians and others departed for Lublin: therefore, a significant indication is given of the existence of the letters of delegation. Upon arriving in Lublin, the priest, Charles Lissowski, was summoned by telegram. Before he arrived, Anthony inquired of the city clergy whether another priest could assist in his marriage; in this matter, if he had not had the letters of delegation, he would have been taking a great risk: on the contrary, with the aforementioned letters, he could safely inquire whether it was possible for another priest to bless the marriage. With these conditions assumed, the actions of the priest are better understood.

[*Latin ed. p. 662*]

662 LUBLIN. OR WARSAW. Concerning the matter of Lublin, the response is that if the expressed name of the delegate is not present in the documents of the delegation, any of the parochial priests can assist at the marriages, but only the designated delegate can legitimately impart the blessing, and it is presumed as a certain matter that a delegation, such as the one granted to Charles Lissowski, cannot be extended to another priest. "Lissowski arrived," the defender of Warsaw states, "and the marriages were celebrated in the Church of the Holy Spirit in Lublin in the month of February, and Lissowski presented, as he himself confesses, a delegation given by the parish priest Morysinski, which, together with a certificate of the marriages blessed by him, he gave to Anthony Gniazdowski, so that he would carry out the act of marriage in his own parish, which is customary in similar cases. The witness Baraniecki testified that he heard Anthony Gniazdowski speaking with Charles Lissowski, even after the marriages, about a certain document. The act should have been written in the place of domicile, and therefore the documents remained in the hands of the assembly." Upon returning home after the marriages, Gniazdowski spoke with the parish priest Morysinski, as he himself confesses in the protocol. "He was questioned by Morysinski, when he met him, as to whether his marriages had taken place and by whom they had been blessed, and when I replied that the blessing had been imparted by the priest Lissowski of Lublin, Morysinski asked whether the act of marriage had been recorded,

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and upon learning that it had not yet been done, he added that it should be recorded in Trzeszczany. How clearly this conversation demonstrates the validity of the legitimately contracted marriage! The tranquility with which Morysinski speaks reveals that he had been thoroughly convinced of the validity of the marriage, and that nothing had occurred that would violate the law, of which he himself was a guardian." This is entirely correct, according to the defender of the marriage of Warsaw; but not so correct in all that immediately follows. "Finally, the last argument, although not strengthened by an oath, is the assertion of the priest Lissowski, who participated in the marriages as an authorized witness, that he had..."

[*Latin ed. p. 663*]

LUBLIN, OR WARSAW. "663. Anthony Gniazdowski presented letters of permission issued by Morysinski." In this, we cannot in any way prove the full force that he attributed to the non-sworn witness, that is, to Charles Lissowski; nor can we establish that the quality attributed to him is that of a qualified witness, as is said of a parish priest or another priest whom the parish priest has appointed in his place: to assume such a quality in Charles Lissowski is to assume that he is, in this matter, a qualified witness, namely, whether Charles Lissowski, by means of letters of delegation, was constituted as such a qualified witness for this marriage. Finally, the sworn organist Czatta reports that he complained to him about the loss of earnings due to the celebration of these marriages being performed elsewhere, and that Parish Priest Morysinski gave something from the 10 rubles that he had received from Anthony, the groom, who was departing for Lublin. But the defender of Warsaw rightly notes: "Whether it is customary for parish priests to receive something from organists for the banns is a question that can only be answered by common usage, by which it is accepted that organists receive nothing from the so-called minor vestments, and there is no custom in Poland that curates give anything to organists from the received sum for the proclamation of the banns, since they have no cooperation whatsoever in receiving and publishing the banns. Iaworowski positively declares that this custom has not existed, nor does it exist now, in the parish of Trzeszczany. Furthermore, the payment made by Morysinski to the organist took place before the wedding, in February, when the banns had already been proclaimed, and as the records show, it occurred directly and immediately in response to the complaint of the organist, who was being prevented from performing his duties, as Gniazdowski was departing for the wedding. Therefore, although the organist states the contrary, this payment of 10 rubles cannot in any way be related to the banns, but must be understood as payment for the permission granted, for the completed document, and for the other formalities required for the marriage to be blessed by an external priest." Regarding the 3rd point, namely, the contradictory

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arguments presented above,

[*Latin ed. p. 664*]

664 LUBLIN. OR VARSOVIA. Concerning the delegation. For 1) it does not approve the deposition of either spouse, who, desiring freedom, depose, as witnesses alleged on the part of the woman are, as it were, seventh-hand witnesses of credibility, who, although they testify that the woman is not untruthful concerning the faith to be observed, nevertheless cannot testify to her infallibility. As an example, consider a) the contradiction of Joanna, who seems to refer to 7. "Her absence, when it was necessary for her to attend the marriage to be blessed by the priest Lissowski, caused some concern, but because everything was prepared for the marriage, Lissowski declared that he would bless our marriage." The delegation to assist at the marriage was not granted to Lissowski by the parish priest Morysinski," and to 9. "Whether Lissowski was with the parish priest Morysinski, 'I do not know, but I believe he was not, I do not know whether he had any delegation from Morysinski to assist at our marriage.'" b) The appeal made by Joanna, the bride, to her guardian and friend, Henrietta Telezynska, to reassure her faith in the matter: and yet, Henrietta, in 8, swears that she was not troubled by the concern about which Joanna speaks in 7; and in 9, she swears that she knows nothing about the delegation. c) Several other witnesses testify as Henrietta does. Nor do the witnesses questioned on the part of the groom agree. For he, in 5, says "I did nothing concerning my marriage with the parish priest Morysinski; I merely asked my relative Lissowski to bless the marriage," and yet it is established that he was refused, as witness Olecowski affirms, that when he requested the delegation, he was before the parish priest and only offered 10 rubles, as Organarius Czatta testifies. In 14, he asserts that he learned after the marriage of the necessity of a delegation for the validity of the marriage, and yet Olecowski states the contrary. The other witnesses do not know about the delegation, and even those two to whom the groom himself appeals, know nothing. What then is the value of the testimony of the witness Olecowski, who alone asserts that he was present before the parish priest denied the delegation long before the marriage, and what is the value of the testimony of Winnick, we shall see below, demonstrate.

[*Latin ed. p. 665*]

LUBLIN. OR WARSAW. • 665 • II. Concerning the absence of a written record of the delegation, which is not found in any parish register, and in response to the words of the Defender of Warsaw: "In rural parishes, such cases occur so rarely that it is necessary to have a document of delegation prepared and issued for the purpose of celebrating marriages elsewhere, and therefore, parish priests usually do not have any books specifically prepared for this purpose, since Canon Law grants full freedom in this

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matter, and neither the provincial nor the diocesan constitutions have established anything specific regarding it. Iaworowski expressly states that in the parish of Trzeszczany, although there is an excellent order in carrying out the acts, such a book is not available." III. Finally, concerning points 3, namely the depositions of Olechowski and Winnick, which seem to involve a considerable matter, we note the following. The former contends that Morysinski refused to grant Anthony, the groom, a delegation for the priest Lissowski. In response: 1) Only one witness is said to have knowledge of this fact; but one witness is no witness; 2) This denial by the witness does not necessarily mean that the denial extended up to the time of the marriage. Therefore, with the esteemed Defender of Warsaw, it must be said: "It is very likely that the parish priest Morysinski, with the assistance of Gniazdowski, either because he was unwilling to celebrate this marriage, or because he wished to celebrate the marriage in his own parish, or finally because he was ill and hoped that the couple would be dissuaded from the marriage, denied permission to Olechowski. However, it does not necessarily follow that the delegation could not have been granted on another day, or at some time later, since Gniazdowski had repeatedly sought the assistance of the parish priest before the marriage, which he was entirely obligated to do thereafter." The second witness, Winnick, testified that Anthony, the groom, after the priests of Lublin had unsuccessfully tried to assist, told him that he had no delegation. In response: 1. Here, he is not testifying about the same event as Olechowski, but rather about events that occurred in Lublin and at a different time, while the former recounts events in the parish of Trzeszczany. Therefore, since there are neither clear contradictions nor witnesses with conclusive evidence, it is evident that they do not demonstrate the absence of a delegation.

[*Latin ed. p. 666*]

666 LUBLIN. OR WARSAW. Before we conclude, let it be added what is said about the parish priest Morysinski: "He had no right to refuse (the delegation) because the petitioners had fulfilled all the requirements necessary for a valid marriage, both according to canon law and civil law. He may have been reluctant at first that the marriage should be celebrated elsewhere, but subsequently he gave his consent after receiving the aforementioned sum. He may have foreseen that this marriage would be unfortunate, but he could not, due to his benevolence towards the spouses Telezunscy and his aversion to the agreement previously reached, reject the petition of the parties so rashly, contrary to law, equity, and conscience." It should also be added, in favor of Lissowski, the celebrant of the marriage, for the sake of the validity of the marriage, that if he had not received the delegation from the parish priest of the betrothed, a) since the marriage was to be celebrated in the episcopal city itself, Lissowski could easily have approached the Ordinary; b) otherwise, a greater suspension would have

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been feared, since he knew from the beginning that Morysinski considered these marriages to be objectionable; c) therefore, it is very likely that the delegation was delivered to the betrothed, and remained in his hands after the marriage; the betrothed are not without suspicion regarding their honesty in words and deeds, concerning these marriages which Morysinski strongly opposed from the beginning, who was harsh with his wife, and who claims to have been certain of the invalidity of his own marriage, and yet did not record the act of copulation, but conversed with Joanna Ciechanowska as his true wife, because in the end, it was not he, but Joanna who introduced the cause of nullity. Indeed, a strong suspicion arises concerning Charles Lissowski; but, all other things being equal, unless something certain to the contrary is presented, the law does not want to credit the statements of a cleric more than those of a layman. These points in favor of Lissowski regarding the validity of the marriage were important to me, and they are not confirmed by what the defender of the bond noted at the end: "Lissowski, as a witness with authority regarding the act of contracting marriage, possesses public authority, as, for example, a notary; for this marriage, after..."

[*Latin ed. p. 667*]

LUBLIN. OR WARSAW. 667, concerning which the Morisynski delegation was granted in his person, and which, before his very presence, could be concluded at the given moment, hence, when he stated that he had been a delegate, he dismissed the cause and sufficiently declared [his position]. We have seen above that this raises the question of whether, in fact, he received a delegation which would constitute him as a qualified witness. And the Warsaw Tribunal, excusing him from taking the oath, did so because of the contemptible disturbance that occurred, namely, in Marrum. Therefore, it must be said that the acts lack the indispensable testimony of Charles Lissowski, as well as the examination and deposition of his mother, and the examination and deposition which are missing of two other witnesses presented by Joanna Ciechanowska. Given these circumstances, Most Reverend Princes, it immediately becomes clear that there is no proof of the nullity of the marriage. For demonstrating such a nullity, certain and indubitable proofs are required, which are certainly not those which we have just discussed. On the other hand, the reasons presented do, at the very least, create a strong presumption of an express, or at least tacit, delegation, to which must be added the judgment of the First Instance, which was sufficiently accurate and diligent. Therefore, since, from what has been said, a reasonable doubt remains that the Metropolitan Tribunal did not find proof of the nullity of the marriage in this case, it has rightly and justly overturned and annulled the contrary judgment rendered in the First Instance: and this all the more so because the Constitution *Nimiam Licentiam*, dated May 18, 1743, specifically prohibits Polish Bishops from easily and frequently

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annulling marriages. Regarding the doubt as to whether there is proof of the nullity of the marriage in this case, and whether, rather, the judgment of the First Instance, i.e., the Warsaw Tribunal, should be confirmed: Answer: There is no proof of the nullity, and therefore the judgment of the First Instance should be confirmed; or at least, the acts should be extended and completed, especially with the oath of Charles Lissowski, and new investigations should be carried out concerning the delegation, if that can be obtained. OPINION OF THE THEOLOGIAN. Having carefully read, with the greatest diligence possible, the documents pertaining to this cause, the following immediately came to my mind...

[*Latin ed. p. 668*]

668 LUBLIN. OR WARSAW. As the most wise John Chrysostom writes in the Book on the Priesthood (Book III, chapter 14): "Indeed, a priest ought to be equipped in every way, like with certain adamant weapons, with constant study, and with perpetual vigilance throughout his life, observing all things, lest anyone, finding him in a vulnerable and neglected state, inflict a fatal wound. For all are prepared to wound and to cast down, not only from enemies, but also from those who feign friendship." And in truth, Father Charles Lissowski, a relative of Anthony Gniazdowski, whose marriage he blessed, is, so to speak, the very hinge of the matter, which must now be determined by the most wise judgment of the Most Reverend Lords. Indeed, the matter concerns the alleged nullity of the marriage between Joanna Ciechanowska and Anthony Gniazdowski, due to its clandestine nature. If Father Charles Lissowski had fulfilled his office as the Holy Mother Church desires, this cause would not have arisen, and, if it had arisen against his will, it could easily be resolved. These things, I believe, will become clearer as I present the facts. From the records, it is clearly evident that the entire decision depends on this: whether or not Father Charles Lissowski had a delegation to bless the marriage from the parish priest Morysinski. The difficulty lies in the fact that the parish priest Morysinski is now deceased, and there is no written document of the marriage in the marriage book of the parish over which Morysinski presided; and therefore, this marriage, begun before another priest, must be proven, with or without the permission of the parish priest, by witnesses, or other equally valid proofs, even if it has not been noted in the parochial books. The most well-known principles of law are concisely described by the Most Reverend Cardinal D'Annibale (Book III, Tract VI, On Marriage, Chapter II, in Summula Theol. Mor.): "Therefore, because of the favor due to marriage, witnesses can be used, provided they are of suitable nature (V. II, 312, 1), even those who are legally ineligible, such as the infamous. (Sánchez, III, 41, 5). The parish priest is also present (but does not preside) as a qualified witness

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(authorizable); nor is there any impediment of order or of law..."

[*Latin ed. p. 669*]

LUBLIN. OR WARSAW. 669 uses the power of words, but as if by mandate of the Church, like a jurisdiction attached to his office... And he has the power to delegate another, whomever he wishes; provided he chooses a priest. And in Note 64, it is written: "But the delegate must know that the jurisdiction has been delegated to him, otherwise he does nothing (De Angel., Praelectiones Iuris Canonici IV, n. 35), and this is clear." Let us now see whether Father Charles Lissowski has fulfilled the delegation given to him by the parish priest Morysinski. When questioned about this matter, he replied: "I received a delegation to bless the marriage from the parish priest Morysinski in the usual form; the letters of this delegation were probably presented to me by Gniazdowski, to whom I also returned them." In the records, it is noted: "This phrase was given verbatim from the original, which, due to the particular value of this place, is noted here. There are two parts to this testimony: in the first, it is clearly stated that he had..." The delegation to bless the marriage from the parish priest Morysinski in the usual form. "Therefore, as the Warsaw Tribunal observes, although not under oath, he definitively maintains that he was instructed to assist at the aforementioned marriage by Father Morysinski, his own parish priest." Does the lack of an oath on the part of Father Charles Lissowski invalidate anything, when he, with open mouth, confesses that he had a delegation to assist at the aforementioned marriage from the parish priest Morysinski? It has already been said, according to the Most Reverend Cardinal D'Annibale, that witnesses can be used in favor of marriage, provided they are of suitable nature and also legally capable, such as the infamous... Furthermore, it must be known that the witness must... Know, in this case, is to observe the man and woman entering into marriage... And finally, it is not necessary that the witnesses and the parish priest know the parties, for it is sufficient that they (as if they were passersby who saw someone, for example, stealing or striking, recognize them. But it is necessary that all be present together. Summula Theologiae Moralis, Book III, Tractate VI, chapter II). In our case, it is not necessary to resort to these extremes, because the witnesses raise no doubt about the fact of the celebration of the marriage in Lublin, with the presence and blessing of the aforementioned marriage.

[*Latin ed. p. 670*]

670 LUBLIN. OR WARSAW. The Reverend Lissowski, and some claim that he did not possess, nor was he granted, permission or delegation to bless these marriages. However, among the witnesses, from the aforementioned D'Annibale, there is the parish priest, acting as a qualified witness (authorizable); and this priest, in our case, testified without hesitation: "I

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received a delegation from the parish priest Morynski, in the customary manner, to bless the marriages." Furthermore, there are the statements presented by the Defender of the Bond in the Warsaw court. "After the wedding, at the couple's home, Gniaszdowski, as he himself admits in the proceedings, was questioned by Morynski, when they met, as to whether the marriage had taken place, and by whom it had been blessed; and when I replied that the blessing had been given by the priest Lissowski of Lublin, Morynski asked that it be recorded that the act of consummation had not been performed; and upon learning that it had not yet been done, he added that it should be recorded that Irzeszczany." How clearly does this dialogue demonstrate the legitimacy of the marriage contract! The calmness with which Morynski speaks reveals that he was thoroughly convinced of the validity of the marriage, and that nothing had occurred that would violate the law, of which he was the guardian. Another witness testified: that the parish priest Morynski was extremely scrupulous in the performance of his parochial duties. In addition: as is well known, the canons do not allow those who object to a marriage celebrated without the permission of the proper parish priest to be heard indiscriminately, but they distinguish between the proper parish priest and any other person. If the proper parish priest immediately proclaims the marriage to be clandestine, stating that he has not granted permission, he is heard, and it is incumbent upon the priest who performed the marriage to prove either that he was granted permission, or that one of the parties to the marriage was subject to his authority. However, anyone else who proclaims the marriage to be clandestine is not heard, unless he demonstrates that permission was not granted, and that the parties to the marriage belong to another parish, thus Sánchez De Matrim., lib. 3, disput. 35, n. 5; Barbosa De Offic. et Potest. episc, alleg. 32, -n,- 136; and Mascard. De probat, conclus. 984 (See Acta Sanctae Sedis Vol. XXIX, p. 151).

[*Latin ed. p. 671*]

LUBLIN. OR WARSAW. 671 In the case under consideration, the parish priest, upon learning that the marriage had been blessed by the Reverend Lissowski of Lublin, did not immediately declare the marriage to have been clandestine, stating that he had not granted permission or delegation; but, being a very scrupulous man concerned with the proper execution of his parochial duties, he sought to have the act of copulation recorded in Irzeszczany. It is not to be objected that no entry relating to the matter is found in the Marriage Book, because from the records it is clear that the parish priest Morysinski at that time was suffering from a very serious illness, and passed away from this life not many days later. This concerns the first part of the testimony of the Reverend Caroli Lissowski. In the other part, he stated as follows: "The letters of this delegation were presented to me, most likely, by Gniazdowski, to whom I also returned them." I do not

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inquire what the aforementioned priest had in mind; the Church does not judge internal matters; nevertheless, because of this singular testimony, the plaintiffs believe they can demonstrate the nullity of the marriage, because no written document of this delegation exists, or is produced. But since a written delegation was not necessarily granted; and, on the other hand, the words are quite clear: "I had a delegation from the parish priest Morysinski to bless the marriages in the usual manner," it seems to me that the plaintiffs are laboring to prove the nullity of their marriage on the grounds of clandestinity; and the Court of Warsaw is acting prudently when it argues: "Considering that, whatever may be, on the one hand there is almost certain legal proof of a legitimately granted delegation, while, on the other hand, the arguments presented to demonstrate the defect of the delegation cannot be considered sufficient to form the conviction that Caroli Lissowski was deprived of the power to bless the marriage of the Gniazdowski couple; therefore, considering these things, etc., etc." Given these circumstances, the Most Reverend and Reverend Fathers, under the wise judgment of Your Eminence, and with due deference to a better judgment, I believe that in the case under consideration: there is no proof of the nullity of the marriage.

[*Latin ed. p. 672*]

672 LUBLIN. OR WARSAW. OBSERVATIONS CONCERNING THE DEFENDER OF MARRIAGE FROM THE OFFICE. In the year 1883, on the 2nd of February, Anthony Gniazdowski, aged 34, and Joanna Ciechano wska, aged 18, both from the parish of Trzeszczan, entered into marriage with each other in Lublin, in the parish called "Spiritu Sancto," before the priest Charles Lissowski, who at that time administered the parish commonly known as Batoz. The marriage had an unhappy outcome; after three years of cohabitation, the spouses separated, and on April 30, 1889, proceedings were initiated concerning the nullity of the marriage, under the pretext that the aforementioned Charles Lissowski had interfered with the marriage, a power not at all augmented by his own position as the parish priest of the betrothed. The case was given impetus by the fact that there was no testimony of a license granted by the parish priest of the betrothed. Based on this lack of testimony, the court of Lublin declared the marriage invalid, but the judge in Warsaw, on December 17, 1892, overturned the judgment of Lublin. I have no doubt that Your Most Reverend Congregation will add this to the record. Indeed, the testimony of the granted license is not available, but it must also be given that it was not invalid. Therefore, the principle is invoked, affirmed in Acpuen, or Massilien, on August 9, 1890, namely that the burden of proof does not lie with the priest who received the matrimonial consent of the spouses, but with the spouses who deny that a license was granted. For the spouses, and anyone else, except the parish priest of the betrothed, if they assert that a license was not granted, they are

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not heard, as the excellent theological consultant rightly observed, unless they prove it most thoroughly according to the law. Since this is the case, the marriage is valid. However, for the sake of completeness, I will say that the demonstration of the granted license, and the priest Lissowski, who returned the document of the license to Anthony Gniazdowski, has repeatedly demonstrated good faith through the judicial investigation records. Therefore, the conclusion of the case is one from which one cannot recoil.

[*Latin ed. p. 673*]

LÜBLINEN. OR WARSAW. 673. The most esteemed canonist consultant rejects, and deems unjust, the compulsion to require that the priest Lissowski should swear an oath regarding the aforementioned license. For he ought to prove nothing, nor can he swear without very grave inconvenience. With these premises established, it was deemed necessary to resolve the doubt concerning whether the judgment of the Metropolitan Tribunal of Warsaw should be confirmed or rejected in this case. RESOLUTION. The Sacred Congregation, after deliberation on September 10, 1898, decided to respond: the judgment is to be confirmed. PARIS. DISPENSATION FOR MARRIAGE. December 17, 1898. Session 24. Chapter 1, concerning dispensations for marriage. SUMMARY OF THE CASE. On September 16, 1889, Heva, born of a noble family and educated in the religious institution of the Assumption at Paris, her homeland, having barely reached the twentieth year of her age, was lawfully married to Henry, who was then over twenty years of age. These nuptials, which had been arranged by the priest Ledere, a vice-parish priest of the locality known as Passy, a friend of the Heva family, and which were greatly desired by both spouses, proved to be utterly unfortunate from the very beginning. For, it is said, the husband, already accustomed to dishonorable relations with a certain harlot, was less inclined to enter into this marriage, preferring a more free life than to be bound by the conjugal bond, and is said to have consented in order to seize the opportunity of obtaining a large sum of money from the bride's dowry, and thus to live luxuriously with his mistress. Therefore, from the very first night of the marriage, although they slept together in the same bed, as they themselves confess, neither that night, nor afterward,

[*Latin ed. p. 674*]

674 PARIS. They came together for the marital act. But concerning the cause for which the marriage was not consummated, the spouses are not in agreement; for the husband attributed this to the bad will of his bride, and in turn, the wife reproaches the husband, who, fostering illicit loves, had asked nothing of her. Meanwhile, three days after the celebration of the marriage, the spouses set out on a journey and arrived at the city of Fontainebleau, staying in a public inn (the "Aigle Noir"). But, to the great sorrow of the wife, on the second day, the husband fled with his mistress

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from the city of Fontainebleau, and together they went to Algeria, abandoning her outrageously, mystified, alone, still a minor, in a hotel; delivered to the most cruel anxiety, four days after the marriage, far from her family, who suspected nothing. The husband's parents were concerned, and when they first learned of the flight, they tried to conceal it from the wife's family, joyfully announcing the news and bringing the bride to Paris, where they took great care of her. But, when the fugitive returned to his parents' home after fifteen days, conjugal peace was no longer possible; therefore, three days after his return, when Eve's father learned of the facts, he took his daughter away, so that the spouses would never see each other again. Meanwhile, after a few months, at the advice of her parents, the wife turned to the civil courts, easily obtaining a favorable judgment of divorce. Five years after the separation, namely on May 21, 1895, the same woman sent a petition to the Most Holy Father, requesting that He deign to grant her a dispensation from the valid but unconsummated marriage. Upon the Pope's consent, the aforementioned petition was referred to the Most Reverend Archbishop of Paris, who, carrying out the Holy Father's commands,

[*Latin ed. p. 675*]

PARIS. In the year 675, the proceedings were concluded, and the matter was transmitted to the Sacred Office, along with this observation: "Nothing of any importance concerning the case has come to light, except that the petitioner and her family are of the most honest character and of true religion, and that she has presented entirely commendable witnesses, and that the expert examination has appeared to be most favorable." Synopsis of the argument. DEFENSE OF THE WOMAN. The advocate who undertook the defense of the woman sought, above all, to demonstrate through the sworn testimony of the spouses that the marriage had not been consummated. Indeed, after recounting that the husband, through a wicked habit contracted with Bertha before the marriage and continued afterward, had never fulfilled the marital act, the woman testified: "Yes, I affirm under the faith of my oath that the marriage has never been consummated between us; and I accept, since I cannot avoid it, the medical examination. I absolutely did not know what marriage consisted of; I did not know it even when my husband left me. He asked me for nothing. He did not even take care of me." The man affirmed the same under oath: "I have never had conjugal relations with Mademoiselle B., I affirm this under the faith of my oath. I asked my wife to fulfill the conjugal duty, and she immediately replied to me: 'I know very well what you want; I will never consent to it.'" However, it is impossible to suspect collusion between the spouses, he says, since the confessions of the spouses, although concordant regarding the fact of the lack of consummation, are discordant in assigning the cause of this lack of consummation. But, the advocate said, this discrepancy in a fact that is

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merely accessory to our case does not prejudice anything, but rather greatly benefits us, since it appropriately suggests that no reasonable doubt can be admitted regarding the collusion of the spouses, employed to deceive the judges, while at the same time they agreeably petition the Holy See for the granting of a dispensation.

[*Latin ed. p. 676*]

676 PARIS. Furthermore, the testimony of the actress is to be considered of the highest importance, due to the most honest life she has maintained since childhood, as witnesses, the majority of whom are of unimpeachable character, proclaim with one voice. Father Jamon, the man's cousin, confesses: "Some time after (namely, after the definitive separation), when I saw Monsieur Henri again, he told me that he had not had any relations with his wife. I have always heard that Mademoiselle B. is a very good and very pious young woman, and her affirmation in court that her marriage has not been consummated is, for me, sufficient proof of its non-consummation." Lady Foudreton, sister of the Most Sacred Heart of Jesus, firmly states: "Her affirmation in court would be for me sufficient proof of the truthfulness of the statements she may have made before the Tribunal." Joseph Géraud, a witness presented by the man, testifies: "My conviction, after everything I have known and seen, is that the marriage has not been consummated. Furthermore, the affirmation of Madame B., that her marriage has not been consummated, would be sufficient to form my conviction, because I have confidence in this young woman." But in this case, the witnesses not only testify to their belief, but they swear that they are certain and convinced that the marriage has not been consummated. Thus, R. D. Grégoir, Vicar of the Metropolitan Church of Paris, on the part of the man, a witness who was so convinced of the non-consummation of this marriage that he sought from the Supreme Pontiff a dispensation from the valid but unconsummated marriage, says: "I add that Monsieur T. affirmed to me that he had not had the slightest sexual relation with his wife. I believe that Monsieur T. was sincere.... Personally, I am convinced of the non-consummation of the marriage, based on everything that T. told me." Finally, omitting others, the bride's father, having become more certain of the non-consummation by the very vice-parish priest Ledere, who was the mediator of the marriage, testifies: "It was only later, around November 5th, that, wanting to be clear about it..."

[*Latin ed. p. 677*]

PARISIAN. 677 Regarding all these matters, I expressed to Father Ledere my concern about the children: "Oh! for this," he replied vehemently, "you can be quite assured, there is no danger whatsoever." I understood that there had been no relations between the spouses, and that is what Monsieur Abbé Ledere wished to convey to me. I formally asked the daughter:

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"Finally, did he touch you?" She categorically replied: "No, he did not touch me at all." There was not even, in my opinion, any attempt at consummation. My daughter told me, in the very words I have reported above, that the marriage had not been consummated. *Verum, prosequitur, haud opus esse in testium depositionibus insistere, cum praesto sit evidens physicum argumentum integritatis ex oculari inspectione rite peracta a duobus medicis, adstante matrona.* Truly, it is not necessary to insist on the testimonies of witnesses, when there is available clear physical evidence of integrity, obtained through a proper examination by two doctors, in the presence of a midwife. Indeed, Doctor Bucquoy, in his written report, sworn under oath, concludes as follows: "Due to the integrity of the hymen and the condition of the parts described above, it can be affirmed: 1. that there could not have been, at any time, penetration of a substantial body into the vagina; 2. that Madame T., born B., retains all the attributes of virginity in their integrity; 3. that the marriage has not been consummated." And in the sworn deposition given to the questioning judge: "Are you certain that the marriage was not consummated?" She replied: "I have affirmed and I reaffirm that the marriage was not consummated. This case is one of the most certain for me." The same is affirmed by the other doctor, Ferrand: "1. that the sexual parts have retained their virginal appearance; 2. that the hymen is well formed and has not been broken; 3. in short, that the marriage has not been consummated. In faith of which, I have written and signed this report." To this is added the written testimony of the expert doctor Vermeil, who, after the definitive separation of the couple, examined the body of the plaintiff outside of court, and who, questioned by the judge about her virginity, testified: "Having proceeded with this examination..."

[*Latin ed. p. 678*]

678 PARISIAN: In the presence of her mother, I have ascertained that the hymen, of circular form, was intact, presenting no scars nor trace of tearing; that its orifice, forming a longitudinal fissure, could be slightly widened, so as to admit the tip of the index finger, which was found tightly constricted within it, but that, nevertheless, the existence of the folds of the vagina, very pronounced, could be observed behind it. Consequently, from these observations, it is certain that the marriage has not been consummated, and that Mademoiselle Eva is absolutely a virgin." Furthermore, the advocate continues, when a question of this nature depends on a fact which is ascertained by experts, hence rightly, the Holy Congregation [of the Roman and Universal Church] prescribes an oath and other precautions. But when these have been observed most strictly, as in this case, then, he says, it spontaneously follows that the experts in the art should be believed with the utmost confidence, and that they should be called upon by the judge, not to testify, but to judge, as taught by Cardinal De Luca (De iudiciis, discourse 33, n. 20). Then, proceeding to the causes for a dispensation,

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the advocate states, according to the common opinion of the Canonists, confirmed by the examples of the Holy Congregation, that a slight cause suffices when one party to the requested dispensation does not oppose it, as stated by Conscius, De separationibus, book 1, chapter 16, n. 297. But the man, Iubenti, agrees with his heart to the dissolution of the marriage. "I, for my part," he says, "also desire to obtain, if it is possible, the dispensation from the unconsummated marriage." The advocate then adduces the causes of this aversion and antipathy from the bad morals of the man, who, fostering adulterous affections, abandoned his wife, his spouse, in a public inn, and fled with a dissolute woman. From these grave injuries, such and so great an aversion arose in the woman against the man, that she absolutely affirmed that she would not again resume life with the man she detested. "It is useless to say," the woman stated, "that a common life is impossible again. His conduct, his will, my own, the divorce pronounced, and the civil marriage finally contracted by him, no longer allow one to think of it."

[*Latin ed. p. 679*]

PARIS. 679 The resolution of the mind on the part of the man is not dissimilar, who states: "Today, all reconciliation is impossible; I am civilly remarried." And the Parisian Tribunal testifies: "Furthermore, there are very serious reasons for a dispensation, especially in the absolute separation for several years, and in the new civil marriage contracted by the man for several years also." In truth, the advocate says, if the fear of future scandal, due to the danger of fornication, as taught by Sánchez de Matrimonio, book 1, dispute 16, number 3; Menochius, Praes. 10, I. 2, number 42, and many other canonists, is a just cause for granting a dispensation, it will be even more fitting to grant it in our case, in which not only is there a question of the fear of future spiritual harm, but also of removing from the eyes of the faithful the scandal of adultery, due to another marriage, which Henry has entered into only civilly, from which illegitimate children have been born, a most grievous mark of infamy. Therefore, the mother most earnestly desires that this remedy of a dispensation be provided for the conscience of her son and his illegitimate offspring, adding: "I will add that I would be happy to see my son regain his freedom of conscience in order to validly contract the marriage that he has contracted civilly." However, she places the ultimate reason for the dispensation in the imminent danger of the actress's incontinence. For she is a young woman, in the prime of her life, desiring the life of marriage, to whom, unless she is assisted by the remedy of a dispensation, she would be forced, unwillingly, to maintain continence, which is difficult in young people, or she would be exposed to the danger of scandalous concubinage before the civil law, and of true adultery before the Church, as is now the case with the man, a most pitiable situation.

OBSERVATIONS OF THE DEFENDER *S.* *VINCULI*. On the other

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hand, the Defender of the Bond, after a lengthy exposition of the facts, argues that it is not sufficiently established that there is moral certainty of the marriage's inconsummation. And first of all, he notes that the testimony of the spouses does not suffice; since their sworn testimonies are not concordant. Indeed, Henry swears: "I asked..."

[*Latin ed. p. 680*]

680 PARISIAN. (One night) I requested of my wife the fulfillment of the conjugal duty, and she immediately replied to me: "I know very well what you want. I will never consent to it." The following morning, I asked again, and several times, but she always refused in a categorical and very emphatic manner... The two following nights passed in the same way as the first, with me renewing my request and her persisting in her refusals. At Fontainebleau, I requested at the hotel a room with one bed. My wife requested two separate rooms, or a room with two beds. At the time of going to bed, I tried to approach her bed. She pushed me away again with the same firmness; and the next day, out of spite, I took the train to Marseille and went to Algeria." And, conversely, Eve testifies: "He (Henry) did not ask me anything. He did not even pay attention to me... When he got into bed, he kissed me discreetly, and I kissed him in return, exactly as I used to do for my mother. At that time, and indeed afterwards, he did not pay any attention to me in any way. He fell asleep without waking up until the morning. The two following nights passed exactly as the first, without him ever being concerned about my presence." Furthermore, it seems unlikely that two young people, in the prime of health, and both capable, who used the same bed for several nights, would never have considered indulging in the marital act. Concerning this matter, De separat, in *De officiis conjugalibus*, book 3, chapter 20, states: "Therefore, in these circumstances, it is not so easy to accept the confession of the spouses regarding the non-consummation of the marriage, nor to readily believe the testimony of midwives regarding the virginity of the woman, but it must be carefully investigated whether the spouses truly and actually did not consummate the act, in which, as Saint Augustine says, "libido absorbs all reason," or whether the midwives may have been deceived, or whether they attempted to deceive." In addition, the speaker continues, Eve and Henry are giving accounts that are not entirely consistent. The actress herself admits this with her own words: "I got up (the day after)."

[*Latin ed. p. 681*]

PARIS. (681 ptiarum) After her departure, she was very distressed from a night without sleep, and during that day, in order to conceal my sorrow, I feigned great cheerfulness. Maria Foudreton reports: "I noticed nothing extraordinary; I only observed that Mademoiselle B. appeared very content and very happy. I noticed nothing else." And the Reverend Géraud, to

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Henry, the instructor, in a certain letter sent to his brother, on the fifth day after the marriage, testifies: "She is a girl who conceals her feelings well, for in her journals, which Henry communicated to me, there was mention only of tenderness and ardent love." However, it is important to report what Joseph Géraud, the aforementioned priest's brother, has to say regarding the matter. He says: "From the day after the first night, Monsieur Henry bitterly complained to his mother and to my brother about his wife, saying that she understood nothing, or did not want to understand anything. His complaints are recounted in a letter that my brother wrote to me almost immediately, in which he requested me to intervene, and also requested my wife to intercede with the young woman to persuade her to submit to the desires of her husband. If one is to believe the account of Monsieur Henry, recounted in that same letter, his wife declared that she would not submit to the conjugal act, that she was afflicted with a malady like the brother she had lost. She even invited her husband to verify this, to listen to the rattling in her chest. — At Fontainebleau, Monsieur T. complained to me in the same way, declaring that this constituted an intolerable situation. It is possible that the young woman manifested repugnance for the conjugal act, but I believe that there was much pretense in all of Monsieur T.'s complaints." Furthermore, the speaker continues, in the aforementioned letter of the priest Géraud, the following is read: "Finally, today (the fifth day after the marriage), Madame T. receives a letter from Henry informing her that Heva demanded, from her arrival, a separate bed."

[*Latin ed. p. 682*]

682. PARISIAN. Madame T. immediately departed with the commander, who was her cousin. But what will she do? Alas! If Henry remains, make an effort to speak with them, you with him, Mary with her, perhaps Mary will receive some confidence." Therefore, the prosecutor observes, as the priest Géraud recounts these things, he cannot be deceived nor deceive. The matter concerns a public and well-known fact. However, it is not easy to believe that Henry would have informed his mother: "that Eva demanded to know of her arrival (at Fontainebleau)," if he himself had abhorred the conjugal union. It is foolish to believe that Henry summoned his mother so that she might discover her son among the arms of a harlot, and so that she might witness the son's flight "with the commander, his cousin." Furthermore, the actress confesses: "A period of about fifteen days or three weeks elapsed between my departure from my husband and my return to my family." But the defender asks, if the husband seized the opportunity of the flight, if either or both of the spouses were unwilling to consummate the marriage, if the marriage was still incomplete and unfulfilled, why did Eva not immediately return to her paternal home? Moreover, the jurist Aemilius Roche, who oversaw the agreements between Henry and Eva's parents after the separation of the conjugal life, testifies: "All that I can say

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is that I saw Madame T. only on the day when a definitive settlement of interests took place before a notary, and I simply observed that in these documents her father insisted that she be called Mademoiselle B., but I never heard anything said about the consummation or non-consummation of the marriage." Furthermore, the defender argues, the marriage was begun on September 16, 1889; within a month, the spouses were separated from each other; on August 5, 1890, a lay magistrate proclaimed the divorce between the spouses. As for the dispensation concerning the marriage, which the actress says was ratified but not consummated, she does not begin to speak of it until May 21, 1895, when the priests...

[*Latin ed. p. 683*]

PARISIANS. 683, most learned in these matters, who arranged the marriage, Leclerc, vice-parish priest of the place of Passy, and Géraud, former instructor of Henry; the former has been taken from the living, and the latter has gone to Bulgaria. And therefore, neither one nor the other has been heard from; the former because he cannot be heard, the latter because it is unknown for what reason. Regarding the judgment of the doctors, the advocate does not deny that it is favorable to the actress; but he notes that the actress was examined by the experts Bucquoy and Ferrand on November 24, 1897, that is, more than eight years and beyond from the celebration of the marriage and the dissolution of conjugal life. Indeed, Zacchias, in Medii, legal. Uh. 4, title 2, question 3, number 4, teaches: "It will be much more laborious to ascertain corrupted virginity, achieved by a single act, than by a long time before; and in this case, I believe that more use should be made of presumptions and conjectures, because the signs obtained by the inspection of the parts are more delicate, and can scarcely attest to anything. For although in the first step, the violation and destruction of the pannicles and caruncles adhering together, and even of the lateral walls of the uterus, may have occurred, yet, if the woman abstains from intercourse afterwards, they cohere together again, even by the very blood that flowed in the first intercourse, sometimes bringing with them greater distress than that which they caused before the loss of virginity, as Severinus also noted, Pinaeus." With these things noted, the following supposition must be dispelled: Whether it is necessary to consult with the Most Holy [Father] regarding a dispensation from a marriage that is valid but not consummated in this case.

RESOLUTION. The Sacred Congregation of the Council, after discussing the matter on December 17, 1898, decided to respond: Affirmative.

[*Latin ed. p. 684*]

684 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS - Regarding a matter from Theatine jurisdiction, dated February 24, 1899. SUMMARY OF THE CASE: Rita Lavella, who engages

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in the trade of textiles in the city of Sulmona, presented a petition to the Holy Congregation of Bishops and Regular Canons in the year 1895, requesting that the Most Reverend Joseph Morticelli, Bishop of Penne and Atri, be condemned to return to her the sum of 8825 livres. The Holy Congregation delegated the Archbishop of Theatine to define this controversy in the first instance of jurisdiction. The Archbishop of Theatine, by a judgment dated May 25, 1896, acquitted Bishop Morticelli of this claim, and furthermore declared that he himself was a creditor of the sum of one thousand livres owed to Rita Lavella, who, as was natural, subsequently appealed to the aforementioned Holy Congregation for the revocation of the judgment. The matter was presented at a plenary meeting on March 11, 1898, and the Most Reverend Fathers judged that a resolution should be reached according to the understanding that was made known to Bishop Morticelli by this Congregation on April 27, 1898, namely, that he should transmit in their original form two declarations issued by Rita Lavella on June 10, 1893, and December 20 of the same year; furthermore, the aforementioned Bishop Morticelli was requested to, after examining the special circumstances, take care to settle with the aforementioned woman in a just and equitable manner. Bishop Morticelli, in a letter dated May 28, 1898, reported that he could not enter into any settlement with Rita Lavella due to the reasons presented in his defense, which he exhibited; regarding the documents in their original form that were requested, he stated that he would transmit them as soon as possible, although copies had already been faithfully submitted to the Holy Congregation and corresponded faithfully to their originals.

[*Latin ed. p. 685*]

THEATINA. 685 A Synopsis of the Defense of the Bishops of Pinner and Trient. – Bishop Morticelli divided his written defense into two parts. In the first, he recounts the events that occurred between himself and Rita Lavella from the year 1877 to the year 1893. In the second, he narrates the events from the year 1893 until the time when the actress brought her case before the tribunal of the Sacred Congregation. Regarding the first part, Bishop Morticelli states that in the year 1877 he knew Rita Lavella as a penitent in the confessional. In the year 1880, she began to offer him gifts and even sums of money, ostensibly to alleviate her own financial needs. Subsequently, there were mutual favors and exchanges of goods for nearly a decade. In the year 1889, accounts were taken, by mutual agreement. Bishop Morticelli rendered an account of the money received, including the value of the goods exchanged, deducting the interest that Rita Lavella initially refused to pay, but which was nevertheless settled on June 10th of the year 1893. In the year 1890, Bishop Morticelli, having renounced his episcopate, remained in his homeland due to a prolonged illness, which he suffered on June 19th, 1891. During this time, he borrowed 1000 livres

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from Rita Lavella, and received other goods from her. Before proceeding to his assigned diocese, he attempted to settle accounts on August 25th, 1891, but he was unable to include the 1000 livres in the debit side due to a lack of documentation. Instead, he released an obligation of 760 livres for the complete settlement of the debt, which was extinguished in the following year, 1892. From the month of February until December of the year 1892, Rita Lavella received various sums of money from Bishop Morticelli. At that time, he declared his intention to sever all relations and, in fact, returned some objects that had been given to him as gifts to Lavella. In June of the following year, 1893, after a final accounting of what had been given and received, and after calculating the interest as previously mentioned, Rita Lavella remained indebted in the amount of 1186 livres, of which 186 livres were...

[*Latin ed. p. 686*]

686 In Theatinum, she paid to her brother and nephew, the Most Reverend Bishop Morticelli, and for the remaining sum, namely 1000 collybisticas, she signed letters; and this is the sum which is still owed by her. In confirmation of this matter, the Most Reverend Morticelli presents the well-known declaration of Rita Lavella, dated June 10, 1893, in which she confesses that she had been fully satisfied by the aforementioned Prelate Morticelli. Proceeding to the second part of his defense, Morticelli recounts what occurred between himself and Lavella from the year 1893 until the month of March 1896. He divides this time into three periods. In the first period, from June 10, 1893, until March 4, 1895, the declaration mentioned above by Lavella was confirmed, as she wrote to Prelate Morticelli that she wished to repay the sums paid by him and that she was ready to pay interest on the promissory notes for 1000 collybisticas, signed by her in favor of Bishop Morticelli. In the second period, or from March 4, 1895, until April 1896, Bishop Morticelli continues, the same declaration, or accounting, of June 10, 1893, was confirmed by the same ecclesiastical authority. Indeed, since Rita Lavella was unable to restore interrupted relations by providing the two nephews of Prelate Morticelli with merchandise which they had purchased elsewhere, she, angered, sent to the same, through Bishop Anagnini, a promissory note for more than 8000. But Bishop Morticelli went to Sulmona, where the alleged creditor resided, and before the Bishop of Sulmona, citing the aforementioned declaration, he refuted her claim. Rita Lavella, not defeated but undeterred, appealed to the Sacred Congregation of Bishops and Regulars, which delegated the examination of the appeal to the Archbishop of Theatinum. This Archbishop, on May 25, 1896, declared that Bishop Morticelli owed nothing to Rita Lavella, but rather that she was indebted to him in the sum of 1000. In the final period, or from April 1895 until March 1898, Bishop Morticelli maintains the same

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accounting of June 10.

[*Latin ed. p. 687*]

THEATINA 687, November 1893, had also been sanctioned by civil authority. Rita Lavella, having received an unfavorable opinion from the Theatine Curia, had considered appealing to the civil tribunals, but did not proceed with this course of action, as her legal counsel advised that her case lacked sufficient evidence. She then deemed it more prudent to appeal again to the Sacred Congregation of Bishops and Regulars. In the meantime, Rita Lavella declared that she would withdraw from the legal proceedings, and that a debt of 8,000 livres, which she had claimed against Bishop Morticelli, had been settled. However, this claim was immediately dismissed by the court administrator, Advocate Faraglia, as it was evident that Rita Lavella would incur criminal penalties, as established by law, for deliberately abandoning the proceedings. After the aforementioned events, which Bishop Morticelli confirms with documents, he concluded that it was impossible for him to avoid the proceedings and, as the Sacred Congregation suggested on April 27, 1898, he would proceed with a settlement in good faith; however, this would imply that the false accusations made by the plaintiff, Rita Lavella, were valid. Instead, he requests that the Most Reverend Fathers recognize his debt of one thousand livres, imposing on Rita Lavella the obligation to pay it as soon as possible, and to retract all the false statements and writings made against him.

REGARDING RITA LAVELLA: She presented no evidence, but only insisted in a letter to the Most Eminent Prefect of the Sacred Congregation of Bishops and Regulars, dated November 18, 1898, that she be granted her rights against Bishop Morticelli; nevertheless, she admits that she is not averse to a settlement. In the file of proceedings, there are testimonies regarding her honesty and integrity in conducting business, as well as orders given by Bishop Morticelli concerning Episcopal crosses, vestments, linens, and other items of a similar nature. Finally, it should be noted that Rita Lavella sent letters to her procurator in Rome, in which she claimed that the reasons presented by Bishop Morticelli referred to a different calculation, and that the sum of money she was currently claiming was due to her under a different title; she cites—

[*Latin ed. p. 688*]

688 THEATINA, accounts made in Rome and elsewhere, concerning Bishop Morticelli or his relatives, and indicates witnesses to be consulted; it concludes that the sum of money paid by him and not yet recovered constitutes the basis of the claim which is brought before this judgment. After these matters have been thoroughly examined on both sides, the following question was put forward for resolution: Whether and how the judgment of the Archbishop of Theatine, dated May 24, 1896, in this case,

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should be confirmed. RESOLUTION - The Most Holy Congregation of Bishops and Regular Canons, after due deliberation on February 24, 1899, regarding the question of whether it is established that Joseph Morticelli, Bishop of Atri and Penne, owes Rita Lavella the sum of 8825 livres, responded: From what has been presented thus far, it is not established. QUESTION: Whether a dispensation *in radice* should be granted for the novitiate, if, perhaps, the baptism received was invalid due to the minister being a non-Catholic. Most Reverend Father, Brother N. N., who, having converted from Protestantism to the Catholic Faith, entered the religious order of the FF. Praedicatorum, has commendably completed his novitiate, and, by the unanimous vote of the Council and Chapter of the Convent N., Province N., in . . . . , was admitted to Simple Vows. Unexpectedly, before the day of his Profession, doubts arose regarding the validity of the baptism he received from a non-Catholic minister, and the local Bishop ordered the baptism to be repeated. Subsequently, the Prior of the Convent N. humbly requested the Holy See to grant a dispensation *in radice* for the novitiate excellently completed by Brother N. N., if, perhaps, it was invalid due to a defective baptism. And God. By virtue of special faculties granted by the Most Holy Lord, the Sacred Congregation of Bishops and Regular Canons of the Holy Roman Church, entrusted with the affairs and consultations of Bishops and Regular Canons, having heard the report of the General Procurator of the Order, benignly ordered that the General Superior should, with due consideration of the existing...

[*Latin ed. p. 689*]

DOUBT 689: Having heard the accounts presented, [the Ordinary] shall, according to the petitions, grant the requested dispensation, according to his own judgment and conscience; however, a declaration must be issued by the Religious himself, stating that he wishes to avail himself of the present Indult; this declaration shall be preserved in the archives of the aforementioned Province. Contrary to whatever may be. Rome, 25th of November, 1898. S. L. CARD. VANNUTELLI, Prefect. * S. A. TROMBETTA, Secretary. FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION: It is granted to Bishops the faculty of permitting marriages between free-thinkers. Most Blessed Father, The Bishop NN., prostrate at the feet of Your Eminence, respectfully presents the following: By decree of Pope Pius IV, dated 30th of January, 1867, confirmed by another decree of Pope Leo XIII, in the fourth place, dated 25th of May, 1897, the Holy Office declared: "Whenever the matter concerns a marriage between one party who is Catholic and the other who has defected from the faith, having adhered to some false religion or sect, the customary and necessary dispensation must be granted, with the usual and known prescriptions and clauses. But if the matter concerns a marriage between one party who is Catholic and

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the other who has abandoned the faith, but has not adhered to any false religion or heretical sect, and the parish priest cannot in any way prevent this marriage (to which he is bound to strive with all his power), and prudently fears that by denying the marriage, a grave scandal or damage may arise, the matter shall be referred to the Reverend Diocesan Bishop, who, as is now granted to him, after examining all the circumstances, may permit the parish priest to passively participate in the marriage as an authorized witness, provided that all conditions are observed concerning the universal rights of Catholic education and other similar conditions." Now, the Bishop humbly requests the faculty to permit the marriages of free-thinkers, according to the norms of the aforementioned decree. That is all. Acts, Volume XXXI, page CCCLXXI, 44.

[*Latin ed. p. 690*]

690 FROM S. [Session] Feria IV, day C [presumably a reference to a case number] of the INQUISITION, 11 January 1899. In the general Congregation of the Holy Office [Sacra Romana et Universalis Inquisitionis], held by the Most Eminent and Reverend Lords Cardinals, General Inquisitors in matters of faith and morals, with the aforementioned requests presented, and after the vote of the Most Reverend Lords Consultors, the same Most Eminent and Reverend Fathers were commanded to respond as follows: After revising the requests: I. Whether the words of the Decree of the Holy Office, dated 4 January 1867, concerning "deferring the matter to the Reverend Diocesan Bishop, to whom, as it seems opportune, the faculty is now granted," can be extended to all Bishops? II. And, inasmuch as the Bishop N. N. supplicates, that this faculty be granted to him. Response to I. Affirmative, with the understanding that it applies to the Most Holy [See]. To II. Provision is made in the first [question]. On Thursday, the 13th of the same month and year, during the customary audience granted to the Reverend Fathers, Assessors of the Holy Office, a report on all of this was given to the Most Holy Lord N. Leo, Divine Providence, Pope XIII. The Most Holy Father approved the resolution of the Most Eminent Fathers. I. Canon MANCINIS, Notary of the Holy Office and Universal Inquisition. A DOUBT concerning the abuse of delaying baptism. Most Reverend Father, The Bishop N. N. has found in his diocese the most deplorable abuse whereby certain parents, for frivolous reasons, especially because the godfather or godmother are not prepared or must come from afar, delay the baptism of newborns, not only for weeks, but also for months, and even for years, as he has been compelled to observe during his pastoral visit. To remedy this abuse, he has exerted every effort; however, he greatly fears that it will not be easily eliminated. In view of this, he humbly asks whether the midwife, when she foresees that baptism will have to be considerably delayed, may immediately administer it to the newborn in water, even though the child is in good health, even without the knowledge of one or

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both of the parents, merely informing the parish priest? – And so forth.

[*Latin ed. p. 693*]

695 FROM THE HOLY ROMAN INQUISITION, Thursday, April 12, 1899. In a General Congregation of the Holy Roman and Universal Inquisition, held before the Most Eminent and Most Reverend Lords Cardinals, Inquisitors General for the matters of faith and morals, after the aforementioned petitions had been presented and duly considered, taking into account all the relevant points of law and fact, and after the vote of the Most Reverend Consultors, the same Most Eminent and Most Reverend Fathers decreed: "Regarding dispensations concerning impediments of mixed religion, when dealing with a diriment impediment, provision is made according to the Decree of February 20, 1888. Regarding dispensations concerning impediments of mixed religion, in cases in which all precautions are given, and the Bishop is morally certain that they are being fulfilled, application must be made to the Most Holy [See] for the faculty of granting a dispensation for three years. In cases, however, in which either a mere civil act has been performed, or a contract has been made before a heretical minister, or both, if all precautions are not given, or if the Bishop is not morally certain that they are being fulfilled, application must likewise be made to the Most Holy [See] for the faculty of validating the marriage in root for three years, always maintaining in such cases the perseverance of the consent of both parties, which must be expressly stated by the Bishop in each instance, mentioning the delegation of the Holy See, and, if necessary, with prior absolution from censures, and with a warning to the dying person about the most grievous sin, and with the assurance that, because of such a dispensation granted, the marriage will be valid and legitimate, and that the children born of both sexes will be legitimately born, and that the education of the children of both sexes in the Catholic religion, as well as the possible reception of children of both sexes, together with the conversion of the husband to the Catholic faith, if the dying person recovers, will be a most serious and continuous obligation, which must be observed; the marriage will then be recorded in the Registry, together with the document kept in the Curia of this concession, communication, acceptance, absolution, and declaration of the dying person, with all other decrees remaining in force. Contrary provisions notwithstanding." On Friday, the 14th day of the same month and year, in an audience granted by the Most Holy Lord Pope Leo XIII, Pontifex Maximus, to the Most Reverend Lord, the Reverend Father, Assessor of the Holy Office, the Most Holy Pope approved the resolution of the Most Eminent and Most Reverend Fathers and benignly granted the aforementioned faculties. I. C. CAN. MANCINI, Secretary of

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the Holy Roman and Universal Inquisition.

[*Latin ed. p. 694*]

694 FROM THE SACRED INQUISITION: A QUESTION: Whether the Pauline privilege can be valid for a Christian party who, after conversion, commits some crime. Most Blessed Father, Aemilius van Henexthoven, Superior of the Kwangensis mission in Africa of the Society of Jesus, humbly prostrates himself before Your Holiness and poses the following questions: The Holy See has declared on several occasions that adultery and other crimes committed before baptism are so forgiven by baptism that the infidel party, for this reason, should allow the other baptized party to make use of the Pauline privilege. But what if, after baptism, adultery or some other crime is repeated, yet in such a way that it is morally certain, for example, that the spouses were already separated by a great distance? Would these later actions in any way cause the infidel party to refuse, nor would they, either because of baptism, nor because of sins committed after baptism, or because of the subsequent amendment, prevent the cohabitation? In this case, the aforementioned petitioner earnestly implores Your Holiness to provide an answer to these two questions: I. Do crimes committed after baptism, but which are not considered by the infidel party, or even sometimes are completely unknown, prevent the baptized party from making use of the Apostle's privilege? II. In that case, is it permissible to make use of the Apostolic faculty, by virtue of which dispensations can be granted in the aforementioned mission, dispensing from the required inquiries? Thursday, April 19, 1899. In the General Congregation of the Sacred Roman and Universal Inquisition, held by the Most Eminent and Most Reverend Lords, Cardinals, General Inquisitors in matters of faith and morals, after the aforementioned questions were proposed, and after all matters, both of law and of fact, were duly considered, and with the vote of the Most Reverend Consultors taken into account, the same Most Eminent and Most Reverend Fathers ordered that the following answer be given: Let the Decree of the Holy Office of August 6, 1759, and the Instruction of the Sacred Congregation for the Propagation of the Faith of January 16, 1797, be given to the petitioner; and let it be understood that: The principle is that in all matters of doubt, judgment should always be given in favor of the faith.

[*Latin ed. p. 695*]

From the Sacred Congregation for the Inquisition, 695, and from the Decrees of the Holy Office, August 5, 1759, addressed to the Bishop of Cochin, concerning the matter at hand, it is stated as follows: "Since the party who has converted to the faith, on their side, favors the cause of faith, they can make use of any (privilege), provided it is just, namely, if they do not give the other spouse a just and reasonable motive for leaving, so that only then will the bond of marriage with the infidel be understood to be dissolved,

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when the converted spouse (after the other spouse has refused, following an exhortation to convert) takes vows with a faithful person." Furthermore, the Instruction of the Sacred Congregation for the Propagation of the Faith, January 16, 1797, concerning China, states as follows: "In the case of a marriage being dissolved by means of the privilege granted in favor of the faith, only these matters must be considered, concerning which an inquiry must be made: 1. Whether the infidel party wishes to convert. — 2. Whether they at least wish to cohabit without contempt for the Creator, and no other reason is given, whether or not there has been adultery, or repudiation." On the following Saturday, the 21st of the same month and year, in an audience granted by His Holiness Pope Leo XIII, to the Reverend Father, the Assessor of the Holy Office, His Holiness approved the resolutions of the Congregation and the Fathers. I. Can. MANZINI, S.R. and U. Inquisitor, Notary.

A QUESTION: Whether an Ordinary Abbot, possessing the faculty of conferring the Sacred Chrism, can exercise this faculty within his own territory, with regard to those who are subjects of other jurisdictions.

Most Blessed Father, Abbot Benedetto Bonazzi, Ordinary of the Abbey of Nullius of the Most Holy Trinity of Cava, prostrate at the feet of Your Holiness, humbly reports that, by general custom, not only Bishops, but also "Abbots of Nullius," who have received the faculty from the Holy See, administer the Sacrament of Confirmation within the territory of their jurisdiction, not only to their own subjects, but also to those of other dioceses who present themselves, presuming the permission of their respective Ordinaries. Now, since the legitimacy of such a custom has been questioned by some, he humbly asks: 1. Whether such a custom can be maintained.

[*Latin ed. p. 696*]

696 FROM THE SUPREME SACRED INQUISITION II. In the negative case, when the General Superior generally does not present himself to administer this sacrament to his own subjects, or to those who are not his subjects, it is requested that he be granted the faculty to administer it also to those subjects who are not his own, who request it within the boundaries of his jurisdiction. Feria IV, die 19 Aprilis 1899. In the General Congregation held by the Most Eminent and Reverend Lords Cardinals concerning the matters at hand, the aforementioned supplicatory letter was presented to the Inquisitors for faith and morals. After the vote of the Most Reverend Consultors, and with the Most Eminent Generals present, the following response must be given: To I. Affirmative, in the case of the Regular Canons of the Congregation of Monte Vergine, in the act of 1855, in the words "eum SSmo," according to the Decree of Monte S. Virginis, Congregation, March 30 (1). (i) And in that decree: "Clemens XI, of blessed memory, in his Apostolic Letter of the year 1732, benignly granted the Abbé of the Nullius Diocese of Monte Vergine the privilege of conferring the Sacra-

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ment of Confirmation with these words: 'That the General Abbé of said Congregation (of Monte Vergine), clothed in pontifical vestments, may administer the Sacrament of Confirmation to his aforementioned subjects, and also at times, as the Abbés of the monasteries of Monte Cassino and Cavensium respectively are accustomed to administer, we grant this by Apostolic authority.' 'However, when the practice of confirming even those who are not subjects was introduced, a doubt arose as to whether those who are not subjects could truly be confirmed by him. The Abbé of Monte Vergine was accused of using a practice already introduced and of a custom observed by the Abbés of Cassino and Cavensium; for custom and usage interpret privileges and sometimes extend them. 'Others maintained that one should adhere to the words of the grant, in which the faculty to administer to subjects is expressly and clearly restricted, unless there was clear proof of a legitimate custom. 'The matter was brought before the Sacred Congregation, and in the general assembly on March 30, 1855, the following question was proposed: 'Whether and how the Reverend General Abbé, Ordinary of the Abbey of Monte Vergine, should retain the power to administer the Sacrament of Confirmation to the subjects of other Bishops and Ordinaries?' 'To this, the Most Eminent Fathers, after the Reverend Bruneii had presented the matter, and after mature deliberation, wrote: 'Affirmatively, with the consent, at least, of the Ordinaries who are to be confirmed, retaining the authentic record in the archives of the Monastery, and observing all that is required by law, according to the words "eum SSmo." 'And after a report on the foregoing was made to His Holiness Pope Pius IX in an audience held on April 20, 1855, His Holiness approved and confirmed the resolution of the Sacred Congregation, except with regard to the future practice of administering Confirmation outside the territory.

[*Latin ed. p. 697*]

From the Sacred Congregation [for the Holy Office], 697, Regarding II. Provision, as stated in the first [section]. On the following Thursday, the 21st of the same month and year, in an audience granted by His Holiness, Pope Leo XIII, Most Holy Father, Pope, to the Most Reverend Fathers, Assessors of the Sacred Congregation, His Holiness approved and confirmed the resolution of the Most Reverend and Most Reverend Fathers, notwithstanding any objections that may have been raised, and ordered that it be added to the records. The meaning is as follows: if, for some reason, an orator certainly knows that a certain Bishop does not wish his subjects to be confirmed by others, he should abstain from confirming them. I, Canon Mancini, Sacred Roman and Universal Inquisitor, Notary. DOUBT: Whether the Pauline privilege can be applied when an infidel follows conversion, but rejects cohabitation with the converted party. Most Blessed Father, the Superior of the Mission, N. N., prostrates himself at Your feet and presents the following case. A certain man, who was

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not yet baptized, entered into marriage with a woman and a pagan. Afterwards, the man was baptized. However, due to continuous quarrels, they abandoned cohabitation. The Christian man asserts that the woman intended to take him as her husband in a marriage of will. This woman, who is still a pagan, and desires to be baptized, does not wish to return to the man. In these circumstances, and while the woman is not yet baptized, is it permissible for the man to marry another? I humbly submit this question to Your Holiness. Thursday, April 26, 1899. In the General Congregation held by the Most Reverend and Most Reverend Fathers, Cardinals, General Inquisitors in matters of faith and morals, regarding the aforementioned case, and after the vote of the Most Reverend Consultors was presented, the same Most Reverend and Most Reverend Fathers ordered that a response be given: "The Superior of the Mission should use all his efforts to ensure that, after the quarrels and disagreements have been resolved, the spouses are reunited and the infidel is converted. However, if she refuses to be converted due to the fault of the man, the Abbot, even if the Abbot is called by the respective Ordinaries, should be cautious to examine whether those to be confirmed have the faith of their own Bishop, or at least of the parish priest." — March 50, 1835.

[*Latin ed. p. 698*]

698 FROM THE SACRED CONGREGATION OF THE INQUISITION: "This [case] should also be brought to a resolution, even if necessary, through canonical penalties, in order to satisfy the injured party. If, however, the converted man has not given a just and reasonable reason for leaving [the marriage], or if he has satisfied the injured party, and is in danger of eternal damnation, then he, after a formal inquiry, will be able to proceed to other vows; and [the principle is]: 'In doubt, let judgment be given in favor of the faith.'" On the following Saturday, the 28th of the same month and year, in an audience granted by His Holiness Pope Leo XIII, the Most Holy Resolution of the Fathers was approved and confirmed. I, Canon Mancini, Sacred Roman and Universal Inquisitor, Notary. FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: LETTER from the Eminent Prefect of the Sacred Congregation for the Propagation of the Faith to the Apostolic Pro-Administrator in Canea, concerning marriages contracted between Greek schismatics and Catholics. Reverend Father, With your letter of January 18th last, Your Reverence informed this Sacred Congregation that in these lands of schismatics, it sometimes happens that a Catholic takes a Greek schismatic for a wife, or vice versa, and that sometimes, they first celebrate their marriage according to the schismatic rite, and then request that it be celebrated according to the Catholic rite. In this case, Your Reverence added, the opinions of the Missionaries are varied as to whether the parties should renew their consent in the presence of the

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Catholic parish priest and two witnesses, or whether they should not do so. As this Sacred Congregation has expressed itself on similar doubts on other occasions, although in these lands of ancient Turkish dominion, the Decree *Tametsi* of the Council of Trent is to be published in the Catholic Churches and Societies, and consequently, marriages contracted here between Catholics and Catholics are null without the presence of a priest belonging to one of the contracting parties, nevertheless, it has not been, nor ever has been, published or observed in these lands in the Societies, or in the...

[*Latin ed. p. 699*]

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 699: Smatic (i.e., schismatic) or heretical marriages, which have been formed and established for a long time in those places, and therefore marriages celebrated there, either between schismatics and heretics among themselves, or between one Catholic party and one schismatic or heretical party, before a heretical or schismatic priest, must be considered valid; because in this second case, the rule established by Pope Benedict XIV applies, according to which the heretical or schismatic party communicates its exemption to the Catholic party. However, this does not exempt the parish priest of the Catholic party from the duty of ensuring that the Catholic party is reconciled with the Church, and of striving to persuade the heretical or schismatic party to provide the guarantees that the Church requires in such marriages. I pray meanwhile that the Lord may preserve you. Rome, February 6, 1899. To Your Eminence, Your devoted servant, Most Reverend Cardinal LEDOCHOWSKI, Prefect.

* To His Excellency, the Archbishop of Larissa.

PETITION concerning the transition from the Ruthenian rite to the Latin rite.

Most Blessed Father, N. N., born on [date] in [place], prostrates himself before the Holy Feet, and humbly implores Your Holiness to grant him permission to transition from the Ruthenian rite to the Latin rite, desiring to become a Dominican Religious.

From the Audience of the Holy Father, March 4, 1899.

Our Most Holy Lord, Pope Leo XIII, having heard me, the undersigned Secretary of the Sacred Congregation for the Propagation of the Faith, concerning Eastern Rites, has benignly granted that the aforementioned petitioner may enter the Order of Preachers of Saint Dominic, and during the time of his probation, may conform himself to the Latin rite, under this condition, that he again petition for a definitive transition before his religious profession. All contrary things notwithstanding.

Given at Rome, in the offices of the aforementioned Sacred Congregation, on the day and year above mentioned.

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ALOISIUS L. * S. VECCIA, Secretary.

[*Latin ed. p. 700*]

700 FROM 8. TO THE CONGREGATION FOR RITES IN MEXICO: Doubts concerning various and unusual practices in that Diocese. The Most Reverend Prosper Joseph M. Alarcon, Archbishop of Mexico, humbly presented the following questions to the Sacred Congregation for Rites: 1. According to an ancient custom in most churches of this diocese, a tablet is placed at the door of the Tabernacle, where the Most Holy Eucharist is reserved. This tablet is sometimes made of metal, sometimes of cloth with painted designs, or even, in more recent times, of paper called "pleographica," on which appear symbols: "SS. Eucharistia" or "SS. Nomen Iesu" or other similar symbols, and sometimes even the Image of the Blessed Virgin Mary. 2. Furthermore, in accordance with an equally ancient custom, in some churches, instead of the antependium which covers the entire front part of the Altar, there is a small antependium, commonly called a "palla," which is about half a meter in size on each side, and which is hung in the middle of the Altar. 3. Finally, in place of the bell for the Holy Sacrifice of the Mass, some of the newest churches have begun to use a certain cymbal, called "Indorum Orientalium," which is in the form of a large, semi-hanging bowl suspended from a wooden beam, and struck by an acolyte, producing a sound. Therefore, the same Most Reverend Archbishop requested from the Sacred Congregation: Can the use of the aforementioned tablet at the door of the Tabernacle in place of the conope, and the use of the aforementioned small antependium, and finally, the use of the aforementioned "Indorum Orientalium" cymbal, be permitted? And the Sacred Congregation, after considering the report of the undersigned Secretary, having heard the opinion of the Liturgical Commission, and having carefully considered all matters, decided to respond as follows: Negatively, in all cases; they are not suitable. And thus it was written, on September 10, 1898. L. M. CARD. D. PANICI, PAROCHI, L. * S. S. R. C., Secretary.

[*Latin ed. p. 701*]

701 FROM THE RITES OF VICENZA: A question arises whether the antiphon "Si iniquitates" should be recited after the psalm "De Profundis" and the Prayer of the Faithful, with the absolution given at the tomb, upon returning to the sacristy. The question was proposed by the Reverend Father Joseph Preto, a priest of the Diocese of Vicenza: whether, upon returning to the sacristy, after the absolution given at the tomb, in the Offices and Masses celebrated for one or more deceased persons on the seventh, thirtieth, and anniversary days, or even on other days, the antiphon "Si iniquitates" should be recited, along with the psalm "De profundis" and the Prayer of the Faithful. The Congregation of Rites, after considering the

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report of the undersigned Secretary, the unanimous vote of the Liturgical Commission, and all matters pertaining to the case, decided to respond: Affirmative, according to the Roman Ritual and the decrees of the first Congregation of the Regular Canons of the Lateran Palace, dated December 7, 1684, and of the second Congregation of Florence, dated August 31, 1872. And thus it was written, on March 11, 1899. C. CARD. MAZZELLA, Prefect of the Sacred Congregation. L. S. DIOMEDES PANICI, Secretary. FOR THE CITY AND THE WORLD: The Holy Father permits the recitation of the Litany of the Most Holy Heart of Jesus, already enriched with indulgences of three hundred days, throughout the world. Our Holy Lord Pope Leo XIII, by decree of the Congregation of Sacred Rites, dated June 27 of the preceding year, approved the Litany of the Most Holy Heart of Jesus, and graciously permitted it to be recited or chanted publicly in the churches and chapels of the dioceses of Massilia and Augustodunum, and of the Order of the Visitation of the Most Blessed Virgin. Since that time, numerous petitions have reached the Apostolic See from Roman prelates, religious families, and pious associations, so that it may be evident that there is a greater glory and praise of the Most Holy Heart itself, and that piety may be spread throughout the world through the approved invocations, as the Most Holy Name of Jesus is publicly and commonly celebrated throughout the Catholic world through its own proper Litany, as included in the Roman Ritual. Furthermore, Our Holy Lord, out of devotion for the Most Loving Heart of Jesus, and with the desire to offer a remedy for the evils that increasingly afflict us, has granted to the same Most Holy Heart...

[*Latin ed. p. 702*]

702 FROM THE SACRED RITUAL, it intends to sanctify the entire world. Therefore, in order that this consecration may be performed with a more solemn rite, it has decreed that three days of prayers, with the aforementioned invocations, should be indicated. Therefore, Our Most Holy Lord has deigned to grant that the Sacred Litany of the Most Holy Heart of Jesus, already approved and with indulgences increased to three hundred days, may henceforth be recited and sung everywhere on earth, both privately and publicly. Notwithstanding any obstacles whatsoever. April 2, 1899; C. CARD. MAZZELLA, S. R. C., Prefect. * S. DIOMEDES PANICI, S. R. C., Secretary. VELLETRI: The question is asked whether three customs should be observed, or whether they should be maintained as abuses. The present Master of Ceremonies of the Cathedral Basilica of Velletri, concerned about the observance of the Ceremonies by the Bishops and the regulations of the Sacred Congregation for Sacred Rites for the proper performance of their duties, humbly presented the following to the aforementioned Sacred Congregation, for a suitable declaration: I. In the aforementioned Cathedral Basilica, when the Bishop suffragan celebrates pontifically, the Canon who performs the office of Subdeacon, after reading the Epistle, receives

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the blessing from the Bishop and the Missal from the cleric, proceeds directly to the *scamnum* and sits; moreover, he holds the Missal open while the Bishop reads the Epistle and the Gospel. II. The priest assisting the Bishop suffragan does not stand near the faldstool when the latter is celebrating, but when he also reads the Epistle and the Gospel, he sits with the Deacon and the Subdeacon on the *scamnum*. III. The Canons of the same Cathedral Basilica, when they solemnly perform sacred functions in another church, believe that they can make use of their canonical privileges, e.g., the canon and the *palmatoria*. Therefore, the question is asked: whether the aforementioned three customs can be maintained, or rather, should they be considered as abuses? Furthermore, the Sacred Congregation for Sacred Rites referred this petition to the Most Reverend and Right Reverend Cardinal Bishop of Ostia and Velletri, for information and opinion, after having also heard the Reverend Chapter of the Cathedral Basilica of Velletri. After the Sacred Council has satisfied the requests, by letters dated March 19th...

[*Latin ed. p. 703*]

From the Sacred Rites, number 703, with attached documents, the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and various reasons presented, decided to respond as follows: Regarding the first question: The custom should be corrected, and reference should be made to the *Caeremoniale Episcoporum*, Book II, chapter VIII, number 41. Regarding the second question: As in the first, and reference should be made to the *Caeremoniale Episcoporum*, Book I, chapter VII, number 3. Regarding the third question: The aforementioned canons may use the canon and the thurible only in the parish church, as do the canons in the minor basilicas of the city. And thus it responded. On April 21, 1899. C. Card. MAZZELLA, S. R. C. Prefect. Diomedes R. C L. y& S. Panici - S. Secretary. URGELL: Questions regarding the proper celebration of sacred functions. The Master of Ceremonies of the Cathedral Church of Urgell, greatly desiring that all things be performed properly and accurately in the sacred functions, with the consent and mandate of his Most Reverend and Most Reverend Cardinal Bishop, humbly presented the following questions to the Sacred Congregation of Rites: For twenty years, and by special privilege, the Dignitaries and Canons of the Cathedral Church of Urgell have a priest assisting them, and indeed, a Beneficiated priest, in all conventual Masses, both in those where the Canons serve as Deacon and Subdeacon, as well as in the semi-duplicated and on weekdays, in which the office of Deacon and Subdeacon is filled by the Beneficiated priest. Therefore, the following is asked: 1. Whether a Subdeacon, whether Canon or Beneficiated, must minister with an ampulla in non-pontifical Masses, if a priest is present to assist? II. 1. In what order should the Celebrant, the assisting priest, and the

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ministers proceed as they go to the altar and back? 2. Whether the assisting priest should take his place at the beginning of the Mass to the right of the Deacon, who is standing to the right of the Celebrant? III. Whether the venerable custom can be maintained, by virtue of which the assisting priest sits to the left of the Subdeacon, below the singing of the Hymn and the Creed?

[*Latin ed. p. 704*]

704 FROM S. C. RITUUM IV. Given the venerable and time-honored custom, is it permissible for an assisting priest to transfer, together with the celebrant, to the Epistle side [of the altar], and to stand there to the left of the celebrant, facing the deacon, while the latter chants the Gospel? V. When the deacon approaches the altar to bring the corporal and chalice, and the subdeacon rises, as is customary, must the assisting priest also rise, until the deacon returns to his seat? VI. 1. Must the assisting priest incense before the subdeacon, whether the latter is a canon or not? 2. Must he receive the kiss of peace from the subdeacon, after the latter has given it to the clergy in the choir? 3. When the bishop is present on his throne, wearing his mitre and cope, must the subdeacon give the kiss of peace first to the deacon, whether he is a canon or not, and then to the assisting priest? VII. Can the venerable custom be continued, whereby, after a homily delivered before the Pope seated on his throne, the assisting priest takes his place on the altar, to the left of the deacon, while the latter chants the Confiteor from the book? And the Sacred Congregation, upon the report of the undersigned Secretary, and after a careful vote by the Liturgical Commission, and after all matters had been carefully considered, decided to respond as follows: To I: Affirmative. To II: Regarding the first part, they should always proceed, in order, one after the other, and the assisting priest should stand to the left of the celebrant. Regarding the second part, the aforementioned assisting priest should stand to the right of the celebrant. To III: Affirmative, but on a separate stool. To IV: Affirmative. To V: Negative. To VI: Regarding the first part, affirmative; regarding the second part, negative, but the celebrant should give the kiss of peace to the deacon; and the assisting priest of the celebrant should receive the kiss of peace from the assisting priest. To VII: Negative. And thus it was written. April 15, 1899. C. CARD. MAZZELLA, S. R. C., Prefect. S. DIOMDES PANICI, S. R. C., Secretary.

[*Latin ed. p. 705*]

705 FROM THE CONSISTORY ACTS REGARDING THE CONSISTORY HELD ON JUNE 19, 1899. The Most Holy Father Leo XIII held a secret Consistory in the Vatican Palace, in which he pronounced the following ADDRESS: "Venerable Brothers, we begin our discussion with affairs concerning the East, and we do so with all the more willingness, because we are dealing with two Churches, which boast glorious origins and a renowned

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reputation for merit: the Antiochian and the Alexandrian; the former of which desires a Patriarch of the Maronites, the latter, of the Copts. Whereas, in the peace of Christ, during the preceding month of December, the venerable brother John Peter Hagg, who had held the Patriarchate of the Maronites for more than eighty years, in accordance with the Maronite episcopal rite, in a legitimate Synod, with the consent of all votes, elected the venerable brother Elias Huayek, titular Archbishop of Arca, who took the name Elias Peter, to succeed him. Subsequently, the bishops who had participated in the voting, and he who had been proclaimed Patriarch, presented letters to Us, in which they explained the matter and requested that, with apostolic authority, we confirm the election and that we be willing to bestow the sacred Pallium upon the elected. We have carefully examined the details of the matter, as is our custom, with the venerable brothers, the Most Reverend Cardinals, in the Sacred Congregation for the Propagation of the Faith, which is concerned with affairs of the Eastern rite; who, after a diligent deliberation, have requested Us to grant our approval to the prayers of the aforementioned bishops, should anything have been done that is flawed. Indeed, we have been deeply moved by the virtues of the man in question, which make it clear that he is eminently suited for the patriarchal dignity, and there is no doubt that the Maronite people, under his guidance, will flourish more and more. Therefore, we have considered his election and his request for the Patriarchate of the Maronites to be approved and valid, and we have judged that the venerable brother should be adorned with the sacred Pallium, conferred by the authority of the blessed Peter. What do you think? Acts, Vol. XXXI, p. CCCLXXII, 45.

[*Latin ed. p. 706*]

706 FROM THE CONSISTORY ACTS. By the authority of Almighty God and of the holy Apostles Peter and Paul, and Ourselves, We approve and ratify the election, or rather, the request made by the venerable brothers, the Maronite Bishops, concerning the venerable brother Elias Peter Huayek, after having examined it and, as far as possible, having considered any faults or vices that might have influenced this election: We elevate and promote him from the Archiepiscopal titular See of Arca to the Patriarchal Antiochene Church of the Maronites, together with all the privileges with which his predecessors have customarily been endowed by this Apostolic See, and We constitute and declare him Patriarch and Pastor of the faithful Maronites, as will be indicated in the consistorial decree and schedule, in opposition to anything to the contrary. In the Name of the Father, and of the Son, and of the Holy Spirit. Amen. As for the Copts, you are not unaware, venerable brothers, that four years ago, by Our Apostolic Letters, the Patriarchate of Alexandria was established for the Copts, with two suffragan Bishops assigned to it, and with the provision that, for the first time, only the Apostolic See should have the right to designate and create

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the Patriarch. Meanwhile, the number of Catholics among the Copts has increased, and, spurred by the expectation of future growth, the Bishops and the clergy have petitioned and prayed that a Patriarch be appointed to them by the authority of the Apostolic See. To these venerable brothers, We inquired what the Most Reverend Cardinals, who are presiding over the matter of reconciling those who are separated from the Church, thought about this. They gave their opinion: and it seemed to them that, in view of the patriarchal office and function, along with the use of the sacred Pallium, the venerable brother Cyril Macaire, titular Bishop of Caesarea Paneadis, who has been administering this Patriarchate with vicariate power, should be appointed. We have approved not only the matter, but also the person. For the venerable brother Cyril possesses worthy episcopal virtues, especially in doctrine, piety, and prudence in managing affairs, which We Ourselves have come to know through experience. Therefore, We consider it fitting to elevate him to the dignity of Patriarch, as We have stated above. What do you think? By the authority of Almighty God, and of the holy Apostles Peter and Paul, and Ourselves, We...

[*Latin ed. p. 707*]

FROM THE ACTS OF THE CONSISTORY: We elevate Paneadis, titular Bishop of the Church of Caesarea, to the Patriarchate of the Alexandrian Coptic Church, granting him all the privileges enjoyed by other Patriarchs, especially the use of the sacred Pallium, and we constitute and declare him Patriarch and shepherd of the faithful Copts, as will be indicated in the consistorial decree and schedule, notwithstanding any contrary provisions. In the name of the Father, and the Son, and the Holy Spirit. Amen.

To the most illustrious Order of you, venerable brothers, after deliberation and careful consideration, we have decided to honor eleven chosen men, each endowed with virtue, for they have earned praise for their merits, whether through the fruit of their teaching, the diligence of their episcopal duties, or other works dedicated to the Church. These are:

IOANNES BAPTISTA CASALI DELDRAGO, Patriarch of Constantinople.

FRANCISCUS DE PAULA CASSETTA, Patriarch of Antioch, substitute sacred Primate of the City.

IANUARIUS PORTANOVA, Archbishop of Reggio.

IOSEPHUS FRANCICA NAVA DI BONTIFÈ, Archbishop of Catania, Our Apostolic Nuncio in Spain.

AUGUSTINUS CIASCA, Augustinian, titular Archbishop of Larissa, Auxiliary of the Sacred Council for the propagation of the Christian faith.

FRANCISCUS DESIDERATUS MATHIEU, Archbishop of Toulouse.

PETRUS RESPIGHI, Archbishop of Ferrara.

AUGUSTINUS RICHELMY, Archbishop of Turin.

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IACOBUS MISSIA, Archbishop of Gorizia.

ALOISIUS TROMBETTA, Auxiliary of the Sacred Council, entrusted with the affairs of Bishops and Religious Orders.

IOSEPHUS CALASANTIUS VIVES, Franciscan, capped.

Besides these who have been named, we have decided to admit two other outstanding men to your College, but their names We reserve in Our heart.

What do you think?

Therefore, by the authority of Almighty God, of the holy Apostles Peter and Paul, and by Our own authority, We create and declare them Cardinals of the Holy Roman Church.

[*Latin ed. p. 708*]

708 FROM THE CONSISTORY ACTS: From the Order of Presbyters: JOHN BAPTIST CASALI DEL DRAGO, FRANCIS OF PAUL CASSETTA, JANUARY PORTANOVA, JOSEPH FRANCICA NAVA DI BONTIFÈ, AUGUSTINE CIASCA, FRANCIS DESIDERATUS MATHIEU, PETER RESPIGHI, AUGUSTINE RICHELMY, JAMES MISSIA. From the Order of Deacons: ALOYSIUS TROMBETTA, JOSEPH CALASANTIUS VIVES. Furthermore, we create two other Cardinals, as mentioned above, whom we reserve to announce whenever it pleases Us, with the necessary and appropriate dispensations, derogations, and clauses. In the Name of the Father, and of the Son, and of the Holy Spirit. Amen. Having completed this allocution, the Most Holy Father proposed the following Churches: The Patriarchal Church of Antioch, vacant due to the death of the Most Reverend John Peter Hagg, the last Patriarch, who died outside the Roman curio, with the favor of the Most Reverend Father Elias Huayek, titular Archbishop of Arcen of the Maronite rite, who was unanimously elected and proposed by the bishops of that nation in the assembly of Saint Mary of Becorki, in Mount Lebanon. The Patriarchal Church of Alexandria of the Copts, restored by Apostolic Letters dated December 6, 1895, beginning with "Christ is Lord," and still vacant, with the favor of the Most Reverend Father Cyril Macaire, titular Bishop of Caesarea Paneadis. The Cathedral Churches of Viterbo and Tuscania, perpetually and canonically united with each other, vacant due to the death of the Most Reverend Eugene Clari, the last Bishop, who died outside the Roman curia, with the favor of the Most Reverend Father Anthony Mary Grasselli, of the Order of the Conventual Minor Friars, titular Archbishop of Colossae. The Metropolitan Church of Lviv of the Greco-Ruthenian rite, with the attached title of the Archiepiscopal Church of Halych, vacant due to the death of the Most Reverend Sylvester, of the Sacred Roman Church, while he lived, the Most Reverend Cardinal Sembratowicz, the last Archbishop. The Metropolitan Church of Florence, vacant due to the death of the Most Reverend Augustine, of the Sacred Roman Church, while he lived, the

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Most Reverend Cardinal Bausa, the last Archbishop.

[*Latin ed. p. 709*]

FROM THE CONSISTORY ACTS 709, with the favor of the Most Reverend Father Alphonsus Maria Mistrangelo, of the Order of Clerics Regular of the Pious Schools, Bishop of Apuia, the Metropolitan Church of Arborea is vacant, due to the death of the Most Reverend Father Francis Zunnui Casula, the last Archbishop of that see, with the favor of the Reverend Father Salvatore Tolu, a priest of the archdiocese of Turritana. The Cathedral Church of Barcelona is vacant, due to the death of the Most Reverend James Cátala and Albosa, with the favor of the Most Reverend Father Joseph Morgadez and Gili, Bishop of Vich. The Cathedral Church of Troia is vacant, due to the death of the Most Reverend Father Daniel Tempesta, the last Bishop of that see, who died outside the Roman court, with the favor of the Most Reverend Father Paul Aemilius Bergamaschi, Bishop of Terracina, Setino, and Priverno. The Cathedral Churches of Luen, Sarzana, and Brugnato, perpetually and canonically united among themselves, are vacant, due to the death of the Most Reverend Father Hyacinth Rossi, with the favor of the Reverend Father John Carli, titular Bishop of Proconnesus. The Cathedral Church of Andria is vacant, due to the death of the Most Reverend Father Frederick Maria Galdi, with the favor of the Reverend Father Joseph Staiti of Brancaleone, a priest of Naples. The Cathedral Churches of Belluno and Feltre, perpetually and canonically united among themselves, are vacant, due to the death of the Most Reverend Father Salvatore Bolognesi, the last Bishop of those sees, with the favor of the Reverend Father Francis Cherubin, a priest of Venice. The Cathedral Church of Vicenza is vacant, due to the translation of the Most Reverend Father Joseph Morgadez and Gili to the Cathedral See of Barcelona, with the favor of the Reverend Father Joseph Torras and Bages, a priest of the diocese of Barcelona. The Cathedral Church of OsnabrÃ¼ck is vacant, due to the death of the Most Reverend Father Bernard Höting, the last Bishop of that see, who died outside the Roman court, with the favor of the Reverend Father Hubert Voss, a priest of the diocese of MÃ¼nster, elected or proposed by the Reverend Chapters and Canons of OsnabrÃ¼ck. The Cathedral Church of Stanislaus, of the Greek-Ruthenian Rite, is vacant, due to the promotion of the Most Reverend Father Julian Kujlowski to the Metropolitan See of Lviv of the same rite, with the favor of the Reverend Father Andrew Szeptyce Szeptycki, of the Order of Saint Basil the Great. The titular Episcopal Church of Proconnesus, under the Archbishop of Cyzicus, is vacant, due to the translation of the Reverend Father John Carli to the united Cathedral Churches of Luni, Sarzana, and Brugnato, with the favor of the Reverend Father Thomas Cirielli, a priest of Aqua Vivae. The titular Episcopal Church of Lassen, under the Archbishop of Stauropolis, is vacant, due to the promotion of the Reverend Father John Joseph Keane to the

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titular Archiepiscopal Church of Damascus, with the favor of the Reverend Father Ignatius Gregory Romero, a priest of the diocese of ParanÃ¡. The titular Patriarchal Church of Constantinople is vacant, due to the elevation to the dignity of Cardinal of the Most Reverend Lord John Baptist Casali del Drago, with the favor of the Most Reverend Father Alexander Sanminiatelli Zabarella, Archbishop of Tyana. The titular Patriarchal Church of Antioch, of the Latin Rite, is vacant, due to the elevation to the dignity of Cardinal of the Most Reverend Lord Francis of Paula Cassetta, with the favor of the Reverend Father Charles Nocella, a priest of Rome. The titular Archiepiscopal Church of Mytilene is vacant, due to the translation of the Most Reverend Father Emmanuel Baptist de Cunha to the Metropolitan See of Braga, with the favor of the Reverend Father Emmanuel Dieira de Mattos, a priest of the diocese of Lamego, who was also appointed as a suffragan to perform pontifical and other pastoral duties in the city and Patriarchate of Lisbon. The Cathedral Church of Guadalupe, or Basse-Terre, has been vacant since the year 1884, with the favor of the Reverend Father Peter Maria Avon, a priest of the diocese of Neumausen.

[*Latin ed. p. 710*]

710 FROM THE CONSISTORY ACTS: The titular episcopal metropolitan see, under the Archbishop of Amida, is vacant, through the succession of the Reverend Father Doctor Gustavus Carolus Mailath to the Cathedral Church of Transylvania, with the favor of the Reverend Doctor Iosephus Raimundus Astorga, a priest of Saint James of Chile. The metropolitan see of Bracharen is vacant, through the death of the Reverend Monsignor Antonius Iosephus de Freitas Honorato, the last of that Archbishop to have died outside the Roman curia, with the favor of the Reverend Father Doctor Emmanuel Baptista da Cunha, the titular Archbishop of Mitylene. The titular archiepiscopal see of Bostren is vacant, through the death of the Reverend Monsignor Vincentius Tagliatatela, the last of that Archbishop to have died outside the Roman curia, with the favor of the Reverend Father Doctor Franciscus Saenz de Urturi et Crespo, of the Order of the Minor Friars, the Archbishop emeritus of Saint James of Cuba. The metropolitan see of Saint James of Cuba is vacant, through the resignation of the Reverend Father Doctor Franciscus Saenz de Urturi et Crespo, freely and spontaneously tendered and accepted by the aforementioned Holiness, and through his subsequent transfer to the titular archiepiscopal see of Bostren, with the favor of the Reverend Father Franciscus Barnada et Aquilar, a priest of Saint John of Cuba. The cathedral see of Portugallen is vacant, through the death of the Most Reverend Monsignor Americus, Most Reverend and Eminent, while he lived, the Cardinal Ferreira dos Santos Silva, the last of that Bishop, who died outside the Roman curia, with the favor of the Reverend Father Doctor Antonius Iosephus de Souza Barroso, the Bishop of Saint Thomas of Melapor. The cathedral see of Policastre is vacant, through the death

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of the Reverend Monsignor Iosephus Maria Cione, the last of that Bishop, who died outside the Roman curia, with the favor of the Reverend Father Ioannes Vescia, a priest of Trani. The cathedral see of Cassane is vacant, through the transfer of the Reverend Father Evangelista di Milia to the Cathedral See of Lycia, with the favor of the Reverend Father Antonius Maria Bonito, a priest of Naples. The cathedral see of Chełmno is vacant, through the death of the Reverend Monsignor Leon Redner, the last of that Bishop to have died outside the Roman curia, with the favor of the Reverend Father Augustinus Rosentreter, a priest of the diocese of Chełmno, elected or proposed by the Reverend Chapter and Canons of Chełmno. The cathedral see of Saint John of Cuyo in the Republic of Argentina in South America is vacant, through the death of the Reverend Monsignor Venceslaus Achaval, the last of that Bishop, who died outside the Roman curia, with the favor of the Reverend Father Marcolinus e Carmelo Benavente, of the Order of Saint Dominic, a priest of Bonaire. The cathedral see of Puerto Rico is vacant, through the resignation of the Reverend Father Doctor Franciscus Valdes et Noriega, freely and spontaneously tendered and accepted by the same Holiness, with the favor of the Reverend Father Iacobus Buberti Blenk, of the Society of Mary, a priest of the archdiocese of New Orleans. The titular episcopal see of Tloen, under the Archbishop of Myra, is vacant, through the death of the Reverend Monsignor Antoninus Centore, the last of that Bishop, who died outside the Roman curia, with the favor of the Reverend Father Iosephus a Iesu Fernandez Barragan, a priest of the diocese of Zamora; who was also appointed as a coadjutor with future succession to the Reverend Father Iosephus Maria Cazares y Martínez, the Bishop of Zamora in the Republic of Mexico in North America. The titular episcopal see of Argiven, under the Archbishop of Corinth, is vacant, through the succession of the Reverend Father Doctor Ioachimus Arcoverde de Albuquerque Cavalcanti to the Cathedral See of Saint Paul in Brazil, with the favor of the Reverend Father Antonius Valbonesi, a priest of Forlì. The titular episcopal see of Miletopolis, under the Archbishop of Cyzicus, is vacant, through the transfer of the Reverend Father Rodesindus de La Lastra to the Cathedral See of

[*Latin ed. p. 711*]

711 FROM THE CONSISTORY ACTS: The cathedral of Paranã, with the favor of the Reverend Joseph Sebastian Pelczar, a priest of the diocese of Przemyśl, was [affected]. He also was appointed as an auxiliary to the Reverend Father Luke Solécki, Bishop of Przemyśl, to perform pontifical and other pastoral duties, with his consent and willingness, so that these matters might be carried out healthily and fruitfully in the Lord in that city and diocese. The titular episcopal church of Siunien, under the Archbishop Sebastian, was vacant, due to the translation of the Reverend Father Anthony Legliò to the cathedral seat of Laibach, with the favor of

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the Reverend Father Francis Albert, a priest of Bonn. The titular episcopal church of Dioclea, under the Archbishop of Laodicea, was vacant, due to the translation of the Reverend Father Joseph Morabito to the cathedral seat of Miletus, with the favor of the Reverend Father Lawrence Mayer, a priest of the archdiocese of Vienna.

S€>^03-0 FROM THE HOLY CONGREGATION OF THE COUNCIL OF PINERO LIE N. CANONICATUS. On December 17, 1898, and January 28, 1899. Session 24, chapter 18, Concerning the restoration of benefices. In the cathedral church of Pinerolo, John Baptist Ressia obtained the canonry of Valgo Ronettino and administered the care of souls, on behalf of the Chapter, when the Bishop of the Church of Monreale had resigned; therefore, both the canonry and the care of souls began to be vacant. In the decree of episcopal election, as is customary, it was stipulated that the canonry thus vacant should be reserved for the consideration of the Apostolic See. Meanwhile, the Chapter added a request that another priest be appointed to exercise the care of souls. Furthermore, from a certain constitution of Pope Pius IX, *Laudabile Romanum Pontificem*, dated July 18, 1848, it was stipulated that "the entire care of this kind belongs to the chapter, so that the habitual [responsibility] resides with it, while the actual [administration] is carried out by a priest appointed by it, to be removed at the will of the same chapter, provided that the chapter itself bears the parochial expenses." The method of election is established in the Bull and demands that three...

COMPENDIUM OF FACTS.

[*Latin ed. p. 712*]

712 PINEROLIEN. Candidates are presented to the Chapter by the Bishop, from whom the Bishop chooses the most worthy to hold the office of Parish Vicar. In this matter, after the legitimate process of presentation and election had been completed, Gioffredo Granerus was appointed to this office; and a decree was sent from the Curia to the Sacred Datary, so that the aforementioned Canonry of Bonettino might be conferred upon him by Apostolic letters. The Sacred Datary, noting that the care of souls had been attached to the provision of the canonry, returned it to the Curia, stating that the concurrence of the Council of Trent was required before the dispatch of the Bull. The Bishop informed the Chapter of the letter from the Sacred Datary, to which the Chapter replied that the care of souls had been joined to the Canonry of Bonettino not legally, or by reason of title or of the provision itself, but materially, or externally, since there were no other revenues available with which to provide the priest who was undertaking the care of souls, by order of the Chapter. To this purpose, the Chapter recounts that a dispute had long existed between the Bishop

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and the Chapter, because the Bishop maintained that the care of souls was necessarily united to the provision of the Canon, a matter reserved to the Holy See. Finally, the Chapter obtained its intention in the year 1847, when it was recognized that it had the right of active patronage to confer the office of the care of souls. This right was solemnly confirmed to it in the Bull *Laudabile* already cited. When such an important office was lacking a suitable provision, Michael Cerutti, the parish priest and also the Canon, in his eulogy on June 21, 1830, bequeathed to the Chapter the house in which he had lived, with the condition that it should be used in the future as the canonical residence, for the dwelling of the parish priest, provided that the parish priest was either already among the canons, or was admitted among them as soon as possible; and if this condition was not fulfilled, the house would revert to the Hospice for the Poor. The Chapter, lest so fortunate an opportunity be lost of improving the condition of the parish priest, ensured that in the Bull *Laudabile* already cited, in which many things had been discussed, it was stipulated that...

[*Latin ed. p. 713*]

PINEROLIEN. 713. Regarding the proper ordination of parish priests, the following quality is prescribed: namely, the dignity of a canon of the cathedral church in the selection for the office of parish priest; therefore, in the Bulla, it was decreed, "that those who are already canons (that is, those chosen to be parish priests) of the aforementioned greater church, or who hold a canonry in that very cathedral church, may hold such positions at the same time." But this union, which has been maintained until now, namely, the care of souls together with some canonical provision, and almost always with the canonry – Bonettino –, as the Capitulars observe, was not a union of title, but a union of fact and accidental. Indeed, this union is of fact and accidental, because, as the circumstances require, one or the other canon is usually assigned the office of caring for souls; hence, it is not a union of title, but a union founded on a contractual obligation; because the holder is bound by a pact to undertake the care of souls, so that he may not renounce this office unless he also simultaneously renounces the canonical provision. Otherwise, it could happen that the care of souls would remain vacant, and no canon would be present to undertake the care of souls, as the Bulla states. The Most Holy See, with the exception of these observations of the Capitulars, did not further institute or approve this manner of acting, in which the care of souls remained separate from the canonical provision; and therefore, it instructed the canons to present the Bulla, without mentioning the office of parish priest. But in the draft of the Bulla sent to the canons, the usual formulas were added, by which affections and reservations from the Regulations of the Chancery were expressed. - Then another controversy arose. In truth, the canons contend that they enjoy immunity from such reservations and conditions, by virtue of an

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ancient privilege or custom. - However, in this case, they requested from the Holy See apostolic letters of collation, provided that this reservation had been expressly stated in the decree of the Episcopal election, by which the canon was constituted in the dignity of the canonry – Bonettino. The origin and force of this privilege, namely, the immunity,

[*Latin ed. p. 714*]

714. PINEROLIEN. According to the regulations of the Chancery, even concerning the granting of benefices, the canons explain as follows: They refer to the year 1748, when, on December 23rd, Pope Benedict XIV established the Cathedral Church of Pinerolien by a Constitution. This was done by transferring to it the benefices belonging to the collegiate churches of S. Donato and S. Mauritio. The Bull of erection was executed by Ludovicus Merlini, titular Archbishop and Papal Legate to the King of Sardinia, who, in the decree of execution, stipulated that, with the exception of those benefices which were lay patronage, all canonical benefices would henceforth be subject to the regulations of the Chancery concerning affections and reservations. The canons protested against this part of the execution decree, asserting that they had enjoyed, from time immemorial, a privilege by which they had freely, or privately, offered all benefices of ecclesiastical patronage to the Apostolic See, without any reservation or condition. The Apostolic Legate graciously accepted this protestation, and considered it to be in accordance with truth and law, issuing the following decree: "And the aforementioned Most Reverend and Reverend Lord Archbishop, Nuncio and Apostolic Executor, having heard this request, and having seen the documents, together with the petitions, representations, and protests contained therein, and having considered all the aforementioned matters, granted and grants the following, as is fitting, and ordered and commands me, the undersigned Chancellor, to record this in the acts of the Nunciature Court, for the purpose of taking it into consideration in any future appeals." Regarding the foundation of the Canonicatus of Bonettino, the canons relate the following: Ludovicus Bonettino, from the place of Castigliole, indeed founded this institution, reserving for himself the first presentation of clerics; but, by his will, dated April 10, 1846, duly recognized, and formally opened by the notary on March 13, 1847, this institution passed to the active patronage of the Chapter, according to the express will of the founder. The opposing instruments are recorded in the acts.

[*Latin ed. p. 715*]

PINEROLIEN. 715 The Most Reverend Dataria addressed the Most Holy Congregation concerning a matter, submitting the record for consideration, so that the question might be resolved: whether an exception should be granted from the Chapter of Pinerolien, regarding objections raised against the affections and reservations granted to the Holy See in the collation of

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benefices, according to the regulations of the Chancery. However, from the records, it does not appear that the second question was resolved, namely, whether the concurrence prescribed by the Council of Trent is required in the conferring of a parochial office, and therefore, it seems to me that this matter should also be presented to Your Eminences. I shall submit to Your Eminences, in the two following questions, one and the other inquiry: I. Whether the method of appointing a parish priest in the Cathedral Church of Pinerolien should be considered valid, without concurrence, in this case. - II. Whether, concerning the Canonry of Bonettino, and concerning other benefices of ecclesiastical patronage in the Cathedral Chapter of Pinerolien, the common rules regarding affections and reservations should be observed in this case. Synopsis of the Discussion. Regarding the first question, the matter appears to be capable of easy resolution. For, from the Constitution *Laudabile* – frequently cited – concerning the care of souls, it is established that "the actual (care) is exercised by a priest appointed and is removable at the will of the same Chapter, provided that the same Chapter bears the parochial expenses." Therefore, no benefice is attached to the care of souls, because secular benefices are, by their very nature, immovable; and because the parochial benefice, when properly constituted, involves parochial expenses; in this case, however, the parochial expenses burden the Chapter. Therefore, there is no doubt that the care of souls in the Cathedral of Pinerolien can be considered separate from any benefice, and can be exercised by a curate appointed, and not perpetually, but removable at the will of the Chapter, according to the Constitution *Laudabile*. Indeed, it is the common opinion of all canonists that perpetual vicars of parochial churches are exempt from the law of concurrence, in other churches.

[*Latin ed. p. 716*]

716. CONCERNING VICARIATES. Vicariates are established in united parishes, monasteries, benefices, colleges, or pious places, where a proper parish priest cannot be appointed, but rather a vicar. Such vicariates, whether perpetual or temporary, are conferred upon the nomination or presentation of those whose dignity, benefice, church, or monastery is united to the parish; and vicars, after a prior examination by the Ordinary, are to be instituted. Thus, Garcias, *De Beneficiis*, part 3, chapter 2, paragraph 289 and following; Barbosa, *Pandectae*, part 3, *De Officiis et Potestatibus Episcopi*, allegation 60, paragraphs 31 and 32. Furthermore, this was expressly ordered by St. Pius V in the Constitution *Ad exequendum*, where it is decreed § 4: "Moreover, and we command this, that said perpetual vicars are not to be appointed at the free election of the Ordinaries, but are to be nominated by those in whose churches they are appointed, with the prior examination and approval of the Ordinaries themselves or their vicars." Therefore, it would seem that nothing needs to

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be changed in the manner of appointing a vicar in the church of Pinerolo. However, a question arose in the Apostolic Datary, as clearly appears from the records, regarding the manner in which the matter was previously presented. The Bishop informed the Holy Datary that Gioffredo Guarnero was to be conferred with the canonry of Bonettino, already elected to the care of souls by the Chapter, not sufficiently explaining that this union of the canonry with the care of souls was not by virtue of the title, but accidental and extrinsic, as was declared in the specific case being examined. In this matter, with wisdom and prudence, the Most Holy Fathers will decide whether there is a place for any new provision. The first question raised is whether an inquiry should be made about the canonry of Bonettino before anything else, and then about other matters. For the inquiry, by its very nature, is general, pertaining to all canonries of ecclesiastical patronage, but it has a special regard for the canonry of Bonettino. Indeed, its reservation is not merely to be understood in a general sense, as according to the common rules of the Chancery, but rather it is almost special today, as it has already been positively expressed in the decree of the election of the former titular; from which the Pope declared that he had reserved to himself the collation of such benefices. Thus, this canonry has become...

[*Latin ed. p. 717*]

PINEROLIEN. 717. The affection arising from the Papal appointment, as the pragmatists say. But the affection of benefices, or the Papal appointment in them, is of greater efficacy than a simple, general reservation; as Chokier teaches in *Reg. 9* (otherwise 8) *Cancellar*, n. 11, and Rebuffus in *Praxi benef.*, title on Reservations, n. 34, and Riganti *Reg. 11 Cancell.*, § 1, 77. It cannot be doubted that the law of affection is valid, in this case, provided that the benefice is subject to a lay, not ecclesiastical, patronage.

Indeed, it is established that, from the beginning, the *Bonettino* canonry was subject to lay patronage, since it was instituted by a lay person, the *Bonettino*, from his patrimonial goods; but those benefices which are acquired by lay patronage from foundation, building, or endowment, are not included under Papal reservations; and this is the opinion of the most learned jurists. Reiffenstuel, *De Praeb. et dignit.*, n. 395; Barbosa, *P. 3 Off. et pot. Episc.*, allegation 57, n. 25, 26; Riganti, *Ad Reg. l Cancellariae*, 106. Nevertheless, it does not seem doubtful that this benefice subsequently passed into the right of ecclesiastical patronage, by virtue of the will of the same founder, who, reserving only the first presentation to himself, prescribed that the right of patronage should be acquired fully by the Chapter; and therefore, the patronage is ecclesiastical. Garcias (De Benef., p. 5, c. 1, n. 693), citing common opinion and several decisions of the Rota, teaches that patronage is considered ecclesiastical when, although it was originally lay, it was subsequently transferred by some legitimate title,

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such as a donation, bequest, or will to the Church, monastery, college, or chapter, or even to a person ecclesiastical, with a view to the Church, dignity, or benefice. Reiffenstuel, *De iure patronatus*, n. 49.

Therefore, the question is reduced to this: whether the memorable exception of custom, which the capitulars object to against the law of affection and reservations, is to be admitted. Truly, in this matter, the canons do not want to contradict on this occasion.

[*Latin ed. p. 718*]

718. The Pinerolese [Canons] allege that the canonry became vacant—Bonettino—due to the express will of the Pontiff; but they insist that, in the future, this canonry, like all others, is immune from the regulations of the Chancery, by virtue of ecclesiastical patronage. The Canons claim that their intention is to adhere to a better title, namely, to an ancient custom, as canonists call it; and that this custom has already been solemnly recognized and approved by the Apostolic Legate during the erection of the Cathedral of Pinerolese. However, ancient custom possesses such force that it is said to imply an Apostolic Indult or Privilege; hence, Riganti, Regulations of the Chancery, XLII, n. 195, states that a special agreement, initiated at the very foundation, is presumed to exist; and Riganti, Regulations II, § 3, n. 137, concludes: "An ancient custom and an Apostolic Privilege proceed hand in hand." However, on the contrary, it must be noted that the Canons assert this, but do not adduce any documents, except for the protest issued by the Chapter, which was approved by the Apostolic Legate. The facts, indeed, must be clearly proven, especially if they are contrary to pontifical rights themselves. But, even granting that the custom existed before the memory of men, this must still be said to be of no value in this case. For all decrees of reservations and vacancies, from the time of Alexander VII, carry the clause—"Sublata"—or one that impedes and nullifies any contrary custom, even if it is ancient. Riganti explains this in *Prooem.* to Regulations of the Chancery, n. 37, stating: "Indeed, all doubt ceases today, because from the time of Alexander VII, a DECREE NULLIFYING has been added to all reservation regulations, in order to avoid such difficulties." Under n. 34 of the same work, it is taught that this decree is also subject to the regulations of vacancies. Regarding the force of this clause, Riganti, in Regulations II, § II, n. 114, citing Armindi Bicci, states: "Indeed, such a decree nullifies the custom, even if it is ancient."

[*Latin ed. p. 719*]

PINEROLIEN. 719, but also for the future." Riganti, in *Ad Reg.* IV, n. 62 and following, teaches: "It is regulated that a prescription, whether memorable or centennial, runs against the Holy See and other supreme Princes without their knowledge; Spada, *Consil.* I, n. 8 and 9, book I, especially with respect to the possession of the last forty years, which, since it must be

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conclusively proven, it is impossible to prove in incorporeal rights without knowledge and patience, as Spada notably follows in the aforementioned council, 1, under number 40, book I." And previously, under n. 61, the same author noted: "Again, when it is a question of prejudice against the reservations of the Supreme Pontiffs, the knowledge and patience of the same were required, by which they cannot prejudice the grants made by Ordinaries in distant regions, and thus without the knowledge of those same Pontiffs, as in the aforementioned Cracovien. Cantoriae, in the final section, before the Most Eminent Caprara, etc." Indeed, the laws of reservations and affections in the collation of benefices are most closely connected to the very person and dignity of the Pope, because they do not express some common rule of morals for all, and ordered for all, but they signify and proclaim the primary rights of the Pope, which, without the knowledge and consent of the Pope, cannot be abolished by any prescription. Furthermore, the Regulations of the Chancery, since they constitute common law but not perpetual law, are to be understood as giving precedence to the will of the Pope, who wishes benefits to be conferred in this way and no other. Riganti, in the Preface to the *Reg. Can.*, n. 17, points out that in the Republic of Romana, Praetors had established common law, but temporary, through their Edicts, which each Praetor issued at the beginning of the year, and he reports, n. 20: "Therefore, in anticipation of any new Pontificate, each Pope, by following in the footsteps of his predecessors, is accustomed to issue Regulations of the Chancery, making some changes or additions according to the variety of circumstances and events, etc." Not otherwise, Leo XIII, under whose benign rule we now enjoy, when he...

[*Latin ed. p. 720*]

720 PINEROLIEN. Began to treat of the supreme governance of the Church, enacting regulations for the Chancery office with certain clauses that nullify any contrary custom or immemorial usage: Who would say that a clause in the diocese of Pinerolien remained nullified and that a contrary custom plainly prevailed? - But the Sacred Rota, in *Recent*, page 12, Document 199, number 7, asserted, "...nor could it be proven, despite the clause having been removed and rendered null, that it so infected and opposed all custom that it could not even have arisen or begun in any way." And Pignatelli, Volume 1, Consultation 134, number 16, states concerning such a clause, "...as if a custom, once born, is considered extinguished and always retains the name of corruption." Finally, it is worth noting that the Canonicate of Bonettino was established in the year 1846; and therefore, it could in no way be included in an immemorial custom, which the Chapter relies upon so greatly. With these considerations in mind, the following questions were proposed: I. Whether the method of appointing a parish priest in the Cathedral Church of Pinerolien should be maintained without concurrence in the case. II. Whether, concerning the

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Canonicate of Bonettino, and concerning other benefices of ecclesiastical patronage in the Cathedral of Pinerolien, the common rules of affections and reservations should be observed in the case. RESOLUTION. After deliberation on January 28, 1899, the Sacred Congregation decided to respond: Regarding I and II: Concerning the appointment of a priest or canon to the care of souls, the provisions of *Const. Laudabile* should be observed in all respects; however, the benefices of ecclesiastical patronage are subject to the rules of affections and reservations, with the exception of the Canonicate of Bonettino.

[*Latin ed. p. 721*]

721 FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS OF TURIN. SUMMARY OF PROCEEDINGS. In the month of March, in the year 1897, the Rector Major of the Salesian Society presented a petition to the Sacred Congregation of Bishops and Regular Canons, requesting that the clerics of his Society, provided they possess the necessary qualifications, may freely and lawfully receive the sacred orders at any time of the year, even outside the times established by the sacred canons, from any Catholic Bishop who is in communion with the Apostolic See. To such requests, the Sacred Congregation, on April 2nd of the following year, gave its approval, but with the condition that, if the Bishop of the diocese in which the pious house for ordinations is located is absent from his diocese or is not intending to hold ordinations, according to the decree of Clement VIII of March 15, 1596, the aforementioned provisions shall be observed, both with regard to the departure from the Institute and with regard to the curriculum of sacred theology, in accordance with the provisions of the most recent decree *AUCTIS ADMODUM*. In the following month of July, the general procurator of the same Society petitioned for the granting of the faculty even if the local Ordinary holds ordinations at the proper times, and the Sacred Congregation responded: considering the extraordinary circumstances presented, the grace is granted for only one occasion. Contrary to this, etc. Not agreeing with this response, the Rector Major of the same Society, in the month of October, in the year 1898, again petitioned the Sacred Congregation for the granting of the privilege of letters of dispensation to any Catholic Bishop, even if the local Ordinary holds ordinations at the prescribed times, and he also added a petition for the faculty for ordinations outside the prescribed times. The petition, as it contained a matter of no small importance, was submitted to the examination of the General Congregation of the Most Eminent Fathers. *Acta*, Vol. XXXI, p. 352.

[*Latin ed. p. 722*]

722 TURIN. A Synopsis of the Arguments FOR the Granting of the Re-

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quested Privilege. Firstly, the General Procurator notes that the Salesian Society, whose Constitutions were approved by the Most Holy Pope Pius IX with the power for the Superior General to grant dispensations for its clerics to the diocesan Bishop, was, by the reigning Pope Leo XIII in the year 1884, admitted to the communication of privileges with the Congregation of the Most Holy Redeemer, and thus to the privilege of granting dispensations, as mentioned above, perpetually. However, from that time until the present, this aforementioned Society has grown so much and has spread throughout almost all parts of the world, that special privileges become necessary for it. Indeed, it counts religious houses in more than 200 dioceses, namely in Italy, France, Switzerland, Spain, Portugal, Belgium, Great Britain, Austria, North America, Central America, and throughout all the Republics of South America, even to the Antarctic, as well as in Asia and Africa. Truly, the great distances between these houses and the involvement of some of the students in military service, as in Italy and in France, etc., make the reception of the sacred Orders from the local Ordinaries impossible. Therefore, it is most expedient, the Procurator concludes, that the privilege of receiving the sacred Orders from any Catholic Ordinary, in communion with the Apostolic See, be granted, even if the local Ordinary holds ordinations in the diocese at the appropriate times; and this all the more because the missionary Bishops of the Salesian Society often come to Europe for the needs of their missions, in which case it would be very useful and beneficial for the students of the Society to receive ordination from them. Furthermore, the Procurator continues, it cannot be said that the requested concession would be detrimental to the local Ordinaries. Indeed, a petition for the privilege has been favorably presented to the Holy See, not only by the Cardinal Protector of the Institute, but also by the Archbishop of Turin himself, in whose...

[*Latin ed. p. 723*]

TURIN. In the year 723, the motherhouse existed; and many other ordinaries are entirely favorable to the petition, and they have been authors in seeking this privilege, being well aware that it is necessary for the Salesian Society. Finally, the Procurator overcomes the difficulty that might arise, namely that this privilege is usually granted directly and specifically to Orders of solemn vows after the Council of Trent, and not to Congregations of simple vows; however, he observes that he is silent about other Institutes of simple vows, namely, that the Congregation obtained this privilege directly from the Most Holy Redeemer through a decree of the Sacred Congregation of Propaganda Fide, on October 3, 1803, by Pope Pius VII, for all its provinces beyond the mountains. 2. The same faculty was held by the Presbyters of the Congregation of Missions directly by the Roman Pontiffs Urban VIII in the year 1632, Alexander VII in the year 1655, Benedict XIII in the year 1725, and most recently by the Most Holy Pope Pius IX through

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the Brief *Religiosas familias*, on May 3, 1855. 3. The same privilege, although for a period of five years, was granted to the Congregation of the Augustinians of the Assumption, founded by Abbot Picard, by the current Pope Leo XIII through a rescript of the Sacred Congregation of Bishops and Regulars, dated June 21, 1895; now, since these Institutes are of simple vows, as is also the Salesian Society, the Procurator requests that the same privilege be granted to it, with the faculty of extending it beyond the time limit of its Congregation.

REASONS FOR DENYING THE GRANT. But in opposition, there are the decrees of the Council of Trent, confirmed by the Roman Pontiffs Gregory XIII, Sixtus V, Clement VIII, Innocent XIII, and especially by Benedict XIV in his most celebrated Constitution *Imposui nobis*, in the year 1747. Indeed, Benedict XIV in the aforementioned Constitution states from the beginning that there has been an ancient controversy as to whether Regular Canons can be ordained by any Catholic Bishop, or rather, whether they ought to be ordained by a Bishop in whose diocese there is a monastery. Local bishops, as those responsible for the Regular Canons residing in their diocese, claimed this right for themselves, alleging—

[*Latin ed. p. 724*]

724. The Canons, adhering to established regulations, maintained that this right did not pertain either to the Bishop of *originis* (Orense), whom the Regulars had already dismissed, sending him a message of dismissal, nor to the Bishop of the benefice, since the Regulars are not promoted to the title of benefice. Conversely, the Regulars, founded upon the privileges of certain Orders, argued that these privileges extended, through a network of communication, to all Regulars. However, this question was first resolved by Gregory XIII in his Constitution *In tanta rerum*, in the year 1570, which referred back to the Constitution of Pius V, *Etsi Mendicantium*, bringing it into alignment with common law and the decrees of the Holy Council of Trent, and in the case of the Monks of the Carthusian Order, he decreed that monks must be ordained by the Bishop within whose diocese the monastery is located, or by another Bishop with the permission of the diocesan Bishop, as can be seen in book 1 of the Decrees of the Holy Council, page 75 verso. This same question was then raised again under Sixtus V at the request of the Order of Preachers, who decreed that Superiors of Regular Orders could grant letters of dismissal to their subordinate members, but these letters must be directed to the diocesan Bishop, and to no other, except in the case of the absence of the diocesan Bishop from his diocese, or if he was not to perform the ordinations of his clergy, as is reported in book 4 of the aforementioned decrees, page 108. Finally, Clement VIII, in his famous decree of March 15, 1596, in order to eliminate all controversy, confirmed the aforementioned provision regarding the granting of dismissal letters by Regulars to another Bishop,

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in the case of the absence of the diocesan Bishop, or if he was prevented or unwilling to perform ordinations, provided that the Bishop who granted the Orders should examine them regarding doctrine, and provided that the Regulars themselves had not withheld the granting of dismissal letters at that time, when the diocesan Bishop was either about to leave or was not to perform any ordinations. However, when letters of dismissal are given by the Superiors of Regular Orders, in cases where the diocesan Bishop is absent or is not to perform ordinations, in those places where the cause of the diocesan Bishop's absence or his refusal to perform ordinations is clearly stated.

[*Latin ed. p. 725*]

TURIN. It is to be understood that [the obligation] must be fulfilled. Those who fail to do so shall incur penalties reserved to the judgment of Our Most Holy Pope, concerning the deprivation of office and dignity, or of administration, and of active and passive voice, and other penalties. But notwithstanding this so clear and peremptory decree, not all controversy was eliminated, as Benedict XIV recounts in the aforementioned passage. Indeed, on the one hand, some Bishops beyond the mountains claimed that letters of dispensation were still necessary for the ordination of Bishops from Orense. On the other hand, the Regular clergy maintained that, by the decree of Clement, the apostolic privileges granted directly to them, or through communication from one Order to another, had not been abolished, namely, the privilege of receiving Orders from any Catholic prelate. The claim of the Bishops was settled by the following decree of the Sacred Congregation of the Council, dated February 28, 1654, with the following wording: Regular clergy who wish to be promoted to the Orders are not required to present letters of dispensation from their own Ordinary, but it suffices that they observe the form prescribed in the decree of His Holiness Clement VIII. As for the Regular clergy, Innocent XIII, in order to resolve the controversy, appointed a special Congregation of several Cardinals of the Holy Roman Church, in which, as Secretary, Benedict XIV, then still in minor orders, was present, and the doubts or questions then proposed were: I. Whether it would be sufficient for the exemption of the Regular clergy from the observance of the decree of Clement, that the privilege of receiving Orders from any Catholic Bishop had been obtained after the Council of Trent, which had abolished such privileges, or rather, whether it was necessary that said privilege had been obtained after the decree of Clement. II. Whether, moreover, said privilege would be valid if obtained through the means of communication or extension, or rather, whether it was required to have been expressly and directly granted; the Congregation, as is recorded in the documents of Innocent XIII, dated May 30, 1723, resolved to the aforementioned effect that it is sufficient that such privileges were granted after the Council of Trent, although subsequent decrees did

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not.

[*Latin ed. p. 726*]

726. TURIN. These [dispensations] are valid, provided that they have been granted directly, and not through a means of communication from one order to another. Pope Innocent XIII confirmed this in all respects, and his successor, Pope Benedict XIII, by decree of September 23, 1724, in *Supremo*. Having explained these matters, Pope Benedict XIV, in the aforementioned Constitution, adding, "Furthermore, we wish and decree that dispensations granted by Superiors of religious orders, which are therefore directed to another Ordinary because the diocesan Bishop resides outside the diocese, or will not be ordained, have no validity or force, unless they are accompanied by an authentic attestation from the Vicar General, or the Chancellor or Secretary of the same diocesan Bishop, from which it is clear either that the Bishop is absent from the diocese, or that the ordinations of clerics will not be performed at the appropriate and lawful time according to ecclesiastical laws established for this purpose." Regarding privileges, Pope Benedict XIV also decreed that these must have been obtained after the Council of Trent, indeed directly and expressly, but he also declares that such privileges cannot be considered to have been granted after the Council of Trent, unless they were actually granted after the Council itself, or unless it is asserted that privileges previously granted were subsequently confirmed, such confirmations being recognized as having been made *IN FORMA SPECIFICA* with the insertion of the older grant and its express modification. Finally, Pope Benedict XIV, concerning the use and exercise of these privileges, warns that religious orders to whom these privileges pertain should use them for a just cause and under due circumstances, and not arbitrarily or for ostentation. From what has been stated so far, it is clear how constant and uniform the canonical law has been in confirming the right of Bishops with regard to the ordination of religious residing in monasteries located within the boundaries of their dioceses. With these important considerations presented on both sides, the solution to the following doubt has been proposed.

[*Latin ed. p. 727*]

TURIN. 727. A question arises: Whether it may be granted to the Pious Salesian Society the privilege of assigning its ordinands to any Catholic prelate who maintains communion with the Apostolic See, even if the local Ordinary regularly performs ordinations (but outside of the appointed times; in this case, see RESOLUTION). The Sacred Congregation for Bishops and Regular Canons, after mature deliberation, decided on February 24, 1899, to respond: "No, but to the same Society, the following dispensation is granted, for a period of five years, according to the prescribed formula, with all other legally binding provisions remaining in force."

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FROM THE SACRED CONGREGATION FOR INDULGENCES OF THE CITY AND THE WORLD. Decree concerning Apocryphal Indulgences. Several documents have been presented to this Sacred Congregation, which are concerned with prayers to which indiscriminate indulgences have been attached, and therefore, a serious doubt has arisen regarding the authenticity of these documents. Furthermore, this Sacred Congregation, in order to prevent the faithful from being kept in error for a long time, and in order that, especially in these times, every pretext for the enemies of the Church to ridicule the invaluable treasure of Indulgences be removed, has deemed it necessary to recall these documents for examination, and if it is found that they contain false, apocryphal, and entirely indiscriminate indulgences, it has considered it necessary to prohibit these documents, and to declare the indulgences contained therein to be apocryphal and false. Therefore, the Most Reverend Fathers, assembled in the general meetings at Vatican on May 5, 1898, after mature deliberation, unanimously decreed: "The aforementioned documents presented to this Sacred Congregation are to be completely prohibited, and the indulgences attached to them, as stated, are to be declared apocryphal and false." After this, a report was made to His Holiness, Pope Leo XIII, in an audience held on May 26, 1898, by the undersigned Cardinal.

[*Latin ed. p. 728*]

728 FROM THE MOST HOLY GENERAL INTENDENT OF INDULGENCES, His Holiness has approved and confirmed the judgment of the esteemed Fathers, and has commanded that a general decree be issued whereby the following folios, or if any others exist that are not dissimilar from these, even if printed by different printers, should be suppressed, and the indulgences contained therein should be entirely declared false and apocryphal. FOLIO I. LITANY OF THE BLESSED VIRGIN MARY, COMPOSER OF SORROW. Composed by the Most Holy Pope Pius VII, who granted a plenary indulgence on Fridays of the year to those who recite it with contrition, along with the Creed, the Salve Regina, and three Hail Marys to the Most Holy Mary's sorrowful Heart. Kyrie, eleison. Christe, eleison. Kyrie, eleison. Christe, audi nos. Christe, exaudi nos. Pater de Coelis Deus, miserere nobis. Fili Redemptor mundi Deus, miserere nobis. Spiritus Sancte Deus, miserere nobis. Sancta Trinitas unus Deus, miserere nobis. Sancta Maria, Sancta Dei Genitrix, Sancta Virgo Virginum, Mater crucifixa, Mater dolorosa, Mater lacrymosa, Mater afflicta, Mater derelicta, Mater desolata, Mater filio orbata, Mater gladio trans ventrem erata, Mater aerumnis confecta, Mater angustiis repleta, Mater cruci corde affixa, Mater moestissima, Fons lacrymarum, Cumulus passionum, Speculum patientiae, Rupes constantiae, ora pro nobis: ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora

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pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis, ora pro nobis.

[*Latin ed. p. 729*]

ANCHORA CONFIDENTIAE, pray for us.
REFUGIUM DERELICTORUM, pray for us.
CLYPEUS OPPRESSORUM, pray for us.
DEBELLATRIX INCREDULORUM, pray for us.
SOLATIUM MISERORUM, pray for us.
MEDICINA LANGUENTIUM, pray for us.
FORTITUDO DEBILIUM, pray for us.
PORTUS NAVFRAGANTIUM, pray for us.
SEDATIO PROCELLARUM, pray for us.
RECURSUS MOERENTIUM, pray for us.
TERROR INSIDIANTIUM, pray for us.
THESAURUS FIDELIUM, pray for us.
OCULUS PROPHETARUM, pray for us.
BACULUS APOSTOLORUM, pray for us.
CORONA MARTYRUM, pray for us.
LUMEN CONFESSORUM, pray for us.
MARGARITA VIRGINUM, pray for us.
CONSOLATIO VIDUARUM, pray for us.
LAETITIA SANCTORUM OMNIUM, pray for us.
AGNUS DEI, QUI TOLLIS PECATA MUNDI, have mercy on us, O Lord.
AGNUS DEI, QUI TOLLIS PECATA MUNDI, hear us, O Lord.
AGNUS DEI, QUI TOLLIS PECATA MUNDI, have mercy on us.

Look upon us, deliver us, and save us from all distress in the power of Jesus Christ. Amen.

Write, O Lord, your wounds in my heart, that in them I may read sorrow and love: sorrow to endure for you all sorrow; love to despise for you all love.

Praise be to God and to the Mother of God.

Pray for us, most sorrowful Virgin!

(R.) That we may be made worthy of the promises of Christ.

Let us pray.

May our Lord Jesus Christ intervene for us, we beseech you, now and at the hour of our death before your mercy, through the Blessed Virgin Mary, your Mother, through whose most holy soul the sword of your suffering

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pierced at the hour of your passion.

Through you, Jesus Christ, Savior of the world, who live and reign with the Father and the Holy Spirit, world without end. Amen.

[*Latin ed. p. 730*]

730 FROM THE SACRED CONGREGATION FOR INDULGENCES: The Salutation of the Most Holy Virgin Mary, Sorrowful. The Supreme Pontiffs have enriched this with a plenary indulgence, gainable each Friday of the year, by those faithful who, having confessed and received Holy Communion, recite it devoutly. "Hail Mary, full of grace, the Lord is with thee. Thou art blessed among women, and blessed is the fruit of thy womb, Jesus. Holy Mary, Mother of the crucified One, grant us, who are crucified with Thy Son, tears, now and at the hour of our death. Amen." With ecclesiastical approval. Turin, 1865 – Printed by the Oratory of St. Francis de Sales. A LEAFLET: THE CROWN OF THORNS. The crown of thorns explains the life, Passion, and death of Our Lord Jesus Christ, that is, from His birth until His death. 1. Each grain of this crown resembles the head of a beast, and represents how Jesus was born among the ox and the ass. 2. This crown resembles the crown of thorns with which Jesus Christ was crowned. 3. Those who have this crown in their home, above a crucifix or a picture, and recite five Pater Noster, Ave Maria, and Gloria Patri for 33 days, for the Incarnation, Passion, and death of Our Lord Jesus Christ, will have a soul delivered from the pains of Purgatory from their own family, and this soul will pray for the devotee who recites this prayer. These crowns are sent and blessed by the Reverend Fathers of the Holy Cross of Belgium and authorized by the Holy Father Leo XIII. Whoever devoutly recites this prayer will gain 500 days of Indulgence, in addition to freeing a soul from Purgatory. Rome – Vatican Printing House, 1894.

[*Latin ed. p. 731*]

DECREE CONCERNING INDULGENCES. Folio 731. APOCRYPHA. REVELATION Made to St. Bernard, Abbot of Clairvaux, concerning the unknown and painful wound of the shoulder of Our Lord Jesus Christ, which He suffered while carrying the heavy Cross. Once, St. Bernard, in prayer, asked Our Lord what was the greatest hidden sorrow He felt during His most Holy Passion, and the Lord answered: "I had a wound on My shoulder, three fingers deep, inflicted upon Me while carrying the Cross; this was the source of greater pain and suffering than all the others, and it is little considered by men because it is unknown. But you shall venerate it, and know that whatever grace you ask of Me through this Wound, I will honor; I will forgive their daily sins to those who ask, and I will not remember their mortal sins any longer, and they will attain eternal life, that is, My grace and mercy." At the request of St. Bernard, Pope Eugene III granted that anyone who shall say three "Pater Noster" (Our Fathers) and

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three "Ave Maria" (Hail Marys), in honor of the aforementioned Wound, as it was revealed to St. Bernard, shall receive three thousand years of Indulgence. PRAYER TO BE SAID FOR THE HOLY WOUND OF OUR LORD'S SHOULDER. Most beloved Lord Jesus Christ, most gentle Lamb of God, I, a poor sinner, adore and venerate the most Holy Wound which You received on Your shoulder while carrying the heavy Cross to Calvary, in which three most Holy Bones remained exposed, enduring therein an immense pain; I beseech You, therefore, through the virtue and merits of this Wound, to have mercy on me by forgiving me all my sins, both mortal and venial, and to assist me in the hour of my death, and to lead me into Your blessed Kingdom. Amen. May Jesus Christ, who saved us with His most precious Blood, always be blessed and thanked. Let us pray. O God, Shepherd and Governor of all the faithful, mercifully regard Your servant Leo, whom You have willed to preside over Your Church.

[*Latin ed. p. 732*]

732 EX 8. G. OF INDULGENCES: We earnestly beseech that he, by word and example, may be endowed with those means by which he may most effectively advance: that, together with the flock entrusted to him, he may attain everlasting life. Through the Lord. A prayer of the "Ave Maria" is requested from those who distribute this document freely. Rome — Typografia della Pace di F. Cuggiani. (See Decree Autk. n. 18). FOLIO I V. CROWN OF THE MERITS OF THE PASSION AND DEATH OF OUR LORD JESUS CHRIST. (with license) Ciudad-Real—1868, Imprint of the Widow and Son of Muñoz, Plaza de la Merced. CROWN OF THE MERITS OF THE PASSION AND DEATH OF OUR LORD JESUS CHRIST. A memorial of the merits of the Passion of Our Lord Jesus Christ, granted by Our Most Holy Father Pius V to the Duke of Herencia and his son, the Prince of Sirena, who, when going to visit Our Lady of Loreto, kissed the feet of his Holiness, and said that he would grant whatever he wished, and the aforementioned Prince implored him to grant some indulgences for the salvation of souls, for which his Holiness ordered all the Cardinals to come to the Consistory and Congregation, and to pray that Our Lord would deign to enlighten his understanding and inspire him with the graces that his Holiness was about to grant to the Prince, so that they might be beneficial to souls; and when they were all together, they said that he should grant one "Pater Noster" and ten "Ave Marias," which would be called the "Crown of the Merits of the Passion and Death of Our Lord Jesus Christ," and that it should have the following graces and indulgences: I. His Holiness grants to those who possess this crown and recite it with devotion, praying to God that He may grant these graces, a

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plenary indulgence and remission of their sins.

[*Latin ed. p. 733*]

DECREE CONCERNING INDULGENCES, APOCRYPHAL SECTION 733, 2: All those who shall recite the Rosary with contrition for their sins and faults shall gain plenary indulgences and remission of their sins, guilt, and punishment, even if they recite it a thousand times a day.

3. To all those, and at all times, who hold the Rosary in their hands, saying: "O God, and my Lord Jesus Christ, through the merits of Your most holy Passion, have mercy and be merciful to me," their sins shall be forgiven.

4. Whenever they recite it for the sake of suffrage for the souls in Purgatory, so many souls shall be released as many times they recite it, and also a plenary indulgence shall be granted.

5. His Holiness grants to those who hear Mass and recite this Rosary, for each recitation, four thousand years of remission.

6. Also, whenever they recite it for the Holy Father who granted these indulgences, their sins shall be forgiven.

7. Whoever holds this Rosary in their hands at the hour of death shall be absolved from guilt and punishment, as on the day of their baptism.

8. His Holiness grants to the aforementioned Prince the power to give the Rosary to twenty persons; these twenty, each to seven, and each of these seven to seven others, and so on, hand to hand, so that it may be communicated to all the faithful.

9. If the aforementioned Rosary is lost, another may be chosen in its place, which has the same graces and indulgences, and this shall be done only once.

10. To gain these indulgences and graces, one must possess the Bull of the Holy Crusade and a treatise on these indulgences.

11. Likewise, his Holiness, of his own free will and in the presence of his Cardinals, gave the Rosary to the Duke, saying to him: "You shall give it to those who ask for it, and from one to another, possessed of the love of God, before a Crucifix, and kneeling."

12. The order to be observed in giving this Rosary is as follows: He who asks for it shall be kneeling, as was said in the preceding article, and he shall say: "Brother, I beseech you, for the love of God, to give me the Rosary through the merits of our Lord Jesus Christ, so that I may gain the graces and indulgences which his Holiness grants through it." He who gives it, placing it in the hands, shall say: "Brother, I give it to you in memory of the Passion and Death of our Lord Jesus Christ, with the graces granted to me; you may give it to seven persons, and I entrust to you that you give it as an alms in reverence of the Passion of our Lord Jesus Christ, and that you

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pray for the souls in Purgatory. Amen."

[*Latin ed. p. 734*]

734 FROM ST. G. OF INDULGENCES. All these graces are confirmed by Clement VIII and Paul V. May the Lord have mercy and compassion on me: may His Most Holy Mother and my guardian angel always be with me. PRAYER. WORDS SPOKEN BY THE MOST HOLY MARY, ADDOLORATA, WHEN SHE RECEIVED HER MOST BELOVED SON IN HER ARMS. O inexhaustible source of truth, how have you become dry! O wise Doctor of men, how are you silent! O splendor of eternal light, how is it that your beautiful face has become disfigured! O highest divinity, how do you appear to me in such poverty! O love of my heart, how great is your goodness! O eternal delight of my heart, how excessive and numerous have been your sorrows! Lord Jesus Christ, who have with the Father and the Holy Spirit one and the same nature, have mercy on every creature, and especially on the Holy Souls in Purgatory. So be it. Five Creeds, one Hail Mary, one Our Father and Glory, according to the intention of the Supreme Pontiff, and one Requiem. This devotion, which was found in a chapel in Polonia on a tablet, was approved by Innocent X, who granted the release of 15 souls from Purgatory each time this prayer is recited. The same was confirmed by Clement III. The same release of 15 souls from Purgatory, each time this prayer is recited, was confirmed by Benedict XIV with a Plenary Indulgence. The same concession was confirmed by Pius IX with the addition of one hundred more days of indulgence. A prayer is requested for those who dispense this prayer. Montefortino, 1893 – Typ. Marinozzi.

[*Latin ed. p. 735*]

DECREE CONCERNING INDULGENCES. FOLLIO OF JESUS OF NAZARETH, SUFFERING. APOCRYPHA VI. RULERS OF THE JEWS, HAVE MERCY, REDEEMER OF US. Extract from the life of the Blessed Brother Innocent, a Minim Recollect, singular in virtues and miracles, who died in Rome on December 15, 1631. In his life (first printed in Italian) dedicated to Pope Innocent X, we find this remarkable story: The holy man, speaking one day with a certain prince and some theologians, said that to our Savior Jesus Christ, going to Mount Calvary bearing His Cross, three bones or ribs had emerged from the spine, which had pierced the joints of His flesh. The prince, as well as all the others, did not want to give credence to this, because, according to them, neither the Holy Scripture nor any Revelation made mention of it, and that this opinion was not admitted by our Holy Mother the Church; but Brother Innocent observed to them that Pope Eugene III, at the urging of Saint Bernard, had granted one hundred thousand years of indulgences to all those who, in honor and commemoration of these three bones or ribs, would recite three times

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the Our Father and the Hail Mary. Notwithstanding this, no one wanted to believe it. But see what extraordinary thing followed: the holy man, raising his heart to God in their presence, fell into ecstasy, and in the short time that he remained in that state, a paper on which the entire story of the three bones was written and very well detailed, as the brother had recounted, and the indulgence of Pope Eugene III granted in this regard, was miraculously placed in his hand; and what is most striking is that this writing was signed with the very hand of Clement VII, then the reigning pontiff in Rome. The Brother Innocent, returning from his ecstasy, handed the miraculous writing to the prince and the theologians; but these, troubled and astonished, did not know whether they should believe what they had just seen with their own eyes, nor how this paper could have reached the holy man, thus signed by the hand of the Holy Father. It seemed to them that nothing more was needed to add credence to the great merits of the servant of God, through whom the Lord willed to revive devotion to the three bones, which had remained so long forgotten in the hearts of the faithful.

[*Latin ed. p. 736*]

736 *EX S. C. INDULGENTIARUM*. Haec res miraculosa, aptissima ad excitandos catholicos ad pietatem et caritatem reciprocam, in consideratione doloris Passionis Filii Dei, et ad merenda, in tam brevi tempore, tam multa indulgentia, impressa est ex desiderio personarum pii. Optemus ut quisque non solum ponderet gravitatem crucis, sed multo plus magnitudinem peccatorum mundi, quae Pater caelestis voluit expiari per Filium Suum unicum, nostrum Advocatum, propter quod humiles et omnipotentes umerales, et sacra Costae et ossa, tam paenitentere dismembrata sunt. *Imprimi poterit*. *Ex Fremac. F. M. F. BONAVENT. YAN, Minister Provinciae. Actum J. Nous L. Ord. Antuerp. Die 22 Carvaii R. Nov. L. Dycke, 1714. C.* In antiquis scriptis Romanis invenimus, quod Papa Georgius III, ex instantiis Reginae Angliae, et omnibus qui orationem sequentem recitabunt post Elevationem Corporis Domini Nostri in Missa, coram Sanctissimo Sacramento altaris, vel coram Cruce, concessit tam multa annorum indulgentia, quot vulnera in corpore Domini Jesu Christi erant, quae, ut in Revelationibus invenimus, numero 5676 sunt:

ORATIO.

O, Domine Jesu Christe, amantissime, Filius Dei vivi, te oro, per ardentem amorem, quo genus humanum amasti, cum, o Rex caelestis, pendens eras in cruce, cum vultu divino tristi, sensibus inquietis, corde perforato, latere aperto, membris tremulantibus, corpore disiecto, vulneribus cruentis, cum fluxibus, venis coactis, ore clamante, voce rauca, vultu pallido, colore moriendi, oculis fleventibus, amore ardente, gutture suspirante, sitis ardentissima, sapore amaro felis et vini, cum capite inclinato, spinis coronato, obmoriendo, cum anima divina separaretur a corpore tuo sanctissimo, fonte

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amoris vivificantis. Per eundem amorem, te oro, o, Domine Jesu Christe, dulcissime et amantissime, per quem...

[*Latin ed. p. 737*]

DECRETUM DE INDULG. APOCRYPHIS 737.

"Aimable cœur, tu as été pressé et troublé, désirant te réconcilier pour le grand nombre de mes péchés, et ainsi, accorder, comme à ceux pour lesquels je suis obligé de prier, une fin bienheureuse et une résurrection glorieuse, par ta miséricorde infinie, qui vis et règnes avec le Père et le Saint-Esprit, dans les siècles des siècles. Ainsi soit-il.

Ô êtres aimables ! Soyez assidus et pensez à votre âme altérée, et nourrissez-la des mérites des très saintes Indulgences, pour obtenir, par le très saint Sang de notre Sauveur Jésus-Christ, la rémission de vos péchés et ensuite l'éternité bienheureuse.

Excitez-vous donc, pour l'amour des grandes souffrances de Jésus, à la récitation de cette prière divine et de trois *Pater* et *Ave Maria*, et priant ici sur la terre dans l'esprit et la personne de Jésus-Christ, à savoir dans l'esprit de pénitence et de repentir, pour satisfaire ainsi conjointement avec lui pour vos péchés à la justice de sa Majesté blessée.

PENSEZ-Y DONC BIEN.

Avec crainte et espoir, travaillez à votre salut, dit saint Paul, Philippiens 2.

"Faisons le bien, quand nous en avons le temps," dit-il, Colossiens 6.

"Celui qui craint le Seigneur n'omet rien ; à savoir de faire le bien là où il peut," dit l'Ecclésiaste 7.

Pour cette raison, Jésus-Christ, la vérité éternelle, nous exhorte, Luc 9. "Faites commerce jusqu'à ce que je vienne." Matthieu 6. "Amassez-vous des trésors pour le Ciel."

Et après avoir fait assidument, dites avec Luc, chapitre 10, "Nous sommes des serviteurs inutiles." Sur quoi Saint Bernard, dans le Psaume *Qui habitas sermo* 4, en nous menaçant, dit : "Malheur à nous, si nous n'avons fait ce que nous devions faire."

Jésus, sois loué ! Et prions-le mutuellement jour et nuit sans discontinuer, comme dit Saint Paul : car à toutes heures nous sommes à la porte de l'éternité, où nous suivra et le bien et le mal que nous aurons commis, et cela pour l'éternité.

Mâchez bien la nourriture. Cela empêche la pourriture.

Que le Saint-Esprit soulage et remplisse les âmes des fidèles. Ainsi soit-il.

Bruxelles. Typ. J. Crols-Pirmez, rue de Flandre 106. (Vide Decr. Auth.

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Acta, Tom. XXXI. fase. n. 18). CCCLXXII. 47"

[*Latin ed. p. 738*]

738 FROM THE COLLECTION OF INDULGENCES, SECTION VII. PRAYER TO THE SAVIOR OF THE WORLD. My Lord Jesus Christ, most sweet Father, for the sake of that joy which Your beloved Mother experienced when You appeared to her on that most sacred night of Easter, and for the joy when she saw You glorified with the clarity of divinity, I beseech You to illuminate me with the gifts of the Holy Spirit, so that in all the days of my life I may fulfill the will of You, who live and reign with God the Father in the life of the Holy Spirit, for all the ages of ages. Amen. The Supreme Pontiffs Boniface VIII and Benedict IX grant eighty thousand years of indulgences to he who recites the aforementioned Prayer, as is seen in the Lateran Palace in Rome, inscribed in marble. PRAYER OF SAINT GREGORY, POPE, WHICH IS WRITTEN IN GOLD LETTERS IN SAINT JOHN'S [BAPTIST] IN ROME. Saint Boniface, the Pope, grants to he who, having confessed and received Holy Communion, recites it, the remission of all sins, and each time he recites it, eighty thousand years, and forty quarantenes. And he who recites it for thirty days continuously before the Image of Our Lord, will obtain whatever grace he asks. And he who recites it every day of his life will obtain the grace to die faithfully. PRAYER: Stabat Virgo iuxta Crucem (The Virgin stood near the Cross). Videns pati veram lucem (Seeing the true light suffer). Mater Regis omnium (Mother of the King of all). Vidit Caput coronatum Spinis (She saw the Head crowned with thorns). Latum perforatum (Pierced). Vidit mori filium (She saw her son die). Vidit Caput inclinatum (She saw the Head bowed). Totum Corpus cruentatum (The whole Body covered in blood). Pastor pro Ovibus (Shepherd for the sheep). Vidit potum felle mixtum (She saw the drink mixed with gall). Natum suum Crucifixum (Her son crucified). Gubernantem omnium Christum (Christ, the ruler of all, suffering). Pati flagello (Suffering from the scourge). Virgo mater et ancella (Virgin, Mother, and handmaid). Vidit et obbrobria (She saw also the insults). Amen.

[*Latin ed. p. 739*]

DECRETUM DE INDULG. APOCRYPHIS 739 PRAYER TO THE HOLY CROSS, TO BE SAID ALSO FOR THE SOULS IN PURGATORY. I adore you, O Precious Cross, which was adored and sprinkled with the most Precious Blood of my Lord Jesus Christ. I adore you, O God, present in it, and you, O Holy Cross, for His sake, and so it shall be. Whoever recites this prayer five times every Friday, will deliver five souls from Purgatory, and on Holy Friday, thirty-three souls are delivered. Devotion to the unknown and painful Wound of the Holy Shoulder of Our Lord, which He suffered while carrying the heavy Cross. Once, Saint Bernard, the Abbot, asked Our

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Lord in prayer what was the greatest hidden sorrow He felt during His Passion; and the Lord answered: "I had a wound on My shoulder, three fingers deep, inflicted while carrying the Cross: this was the cause of greater pain and suffering than all the others, which is little considered by men, because it is unknown; but you shall venerate it: and know that whatever grace you ask of Me through this Wound, I will grant it to you, and I will forgive the daily sins of all those who honor Me through it, and I will remit their mortal sins, and they will obtain My grace and mercy." Pope Eugene III, at the request of Saint Bernard, granted 3000 years of Indulgence to anyone who recites three Pater Noster (Our Fathers) and Ave Maria (Hail Marys) in honor of the Wound of the Shoulder of Jesus Christ, and of the three prominent bones, as it was revealed to the aforementioned Saint. PRAYER TO THE HOLY SHOULDER: Most beloved Jesus Christ, most gentle Lamb of God, I, a poor sinner, salute and venerate Your most Holy Wound, which You suffered on Your shoulder from carrying the heavy Cross, so that, because of the three prominent bones that protruded there, You experienced intense pain above all the others in Your Most Holy Body. I adore You, my suffering Lord; I praise You, I honor You, and I glorify You with the innermost part of my heart, and I thank You for that most Holy, profound, and most painful Wound of Your shoulder, and I humbly beseech You, for that great pain You felt in it, and for that heavy weight of the Cross, to have mercy on me, a sinner, to forgive me all my sins, both venial and mortal, and to grant me –

[*Latin ed. p. 740*]

740 FROM THE HOLY FATHER'S INDULGENCES: May you be accompanied on the path of the Cross by your Bloody Footprints to eternal Beatitude. Three Pater Noster, Ave Maria, and Gloria Patri. PRAYER: Sacred Heart of Mary, you are a great Queen, the whole world bows down to you, you save my soul. — One Pater Noster and Ave Maria. Pope Pius VI granted a plenary Indulgence in the year 1787 to anyone who recites this prayer. Siena, 1888 — Typ. S. Bernardino. POLIOLUM VIII. LETTER FROM JESUS CHRIST. CONCERNING THE DROPS OF BLOOD THAT OUR LORD JESUS CHRIST SHED AS HE WENT TO CALVARY. A copy of a prayer letter found in the Holy Sepulcher of Our Lord Jesus Christ in Jerusalem, preserved in a silver chest by the Holy See, and by Christian Emperors and Empresses. Saint Elizabeth, Queen of Hungary, Saint Maud, and Saint Bridget desired to know certain things about the Passion of Jesus Christ, making fervent and particular prayers, through which Jesus Christ appeared to them, speaking with them, and saying thus: Know that the armed soldiers were 150, those who led Me bound were 23, the executioners of justice were 83, the blows I received on the head were 150, and on the chest 108, the kicks on the shoulders were 80, and I was dragged with ropes and by the hair 23 times, insults and spittle on the face were 180,

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blows on the body were 6666, blows on the head were 110, they gave Me a blow, noted on the heart, I was lifted into the air by the hair at the 21st hour, at one time I sent forth 120 sighs, I was dragged and pulled by the beard 23 times, wounds on the head 20, thorns of sea rushes 72, punctures of thorns on the head 100, mortal thorns on the forehead 3, after which I was flogged and dressed as a king of mockery, wounds.

[*Latin ed. p. 741*]

DECREE ON INDULGENCES FOR APOCRYPHAL WORKS 741 in the body 1000. The soldiers who escorted me to Calvary were 908, those who guarded me were 3; the drops of blood that were spilled were 28,430, and I grant 5 graces to those who recite 7 Our Fathers, Hail Marys, and Glories each day for a period of 15 years, in order to complete the number of drops of blood that I spilled: 1. A plenary indulgence and remission of all sins; 2. They will be released from the pains of Purgatory; 3. If they should die before completing those 15 years, it will be as if they had completed them; 4. They will be as if they had died and spilled their blood for the Holy Faith; 5. I will descend from Heaven to take the soul of that person and the souls of their relatives up to the fourth degree. Those who carry this prayer will not die by drowning, nor by a bad death, nor by a sudden death; they will be delivered from contagion and the plague, from lightning, and they will not die without confession; they will be delivered from their enemies, and from the power of justice, and from all their evildoers and false witnesses. Women who cannot bear children, if they keep this prayer with them, will conceive immediately and will be delivered. In the house where this prayer is, there will be no betrayals or evil things, and 40 days before their death, the one who has this prayer upon them will see the Blessed Virgin Mary, as Saint Gregory the Pope says. A certain Spanish captain, traveling by land, saw near Barcelona a head severed from its body, which spoke to him in this way: "Since you are traveling to Barcelona, O traveler, bring me a confessor, so that I may confess, for I have been severed from my body by thieves for three days, and I cannot die unless I confess." When the confessor was brought to the place by the aforementioned captain, the living head confessed, and then expired, finding upon the body from which it had been severed, the following prayer, which on that occasion was approved by various tribunals of the Holy Inquisition of Spain. The aforementioned 7 Our Fathers, Hail Marys, and Glories can also be recited and applied for any soul. Another similar copy of the aforementioned letter was miraculously found in the place called Porsit, three leagues from Marseille, written in golden letters and, by divine operation, brought by a boy of 7 years of the same place, Porsit. With an addition and declaration on January 2, 1750, it says: "All those who carry it on Sundays will be cursed by me, because on

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Sundays you must go to Church."

[*Latin ed. p. 742*]

742 FROM THE HOLY GENERAL INDULGENCES: Praying to God that He may forgive your sins, and for this reason I have given you six days to labor, and the seventh to rest, and to perform works of devotion; and from your substance, do good to the poor, and your lands shall be filled with blessings and graces. On the contrary, if you do not believe this, greater chastisements will come upon you and your children, and I will send pestilence, famine, wars, sorrows, and pangs of heart. As a sign of My displeasure, you will see signs in the heavens, thunder, and earthquakes. Those who judge that this letter was not written by divine inspiration and dictated by the Most Holy Mouth of God, and those who will maliciously hide it without publishing it to others, will be cursed by God and confounded on the day of Judgment; and those who, on the other hand, will publish it, even if they have many sins, provided that they are truly repentant for having offended Me, and even if they have done some injustice to their neighbor, asking Me forgiveness, I will forgive their sins. Those who will copy this devotion and read it, or have it read, shall never perish and shall be freed from all temptations. Fiorenzuola d'Arda, 1893 – Typ. Pehnaroli. POLIOLUM IX. Also prohibited is a certain leaflet made of paper or even of linen, and written in various languages, which is called "Breve S. Antonii Patavini," which has been widely disseminated in recent times. In it, after the prayer taken from the Roman Breviary, "Ecce Crucem Domini, fugite partes adversae. Yicit Leo de tribu Juda, Radix David. Alleluja! Alleluja!" the following are read: "O holy Anthony, great wonder-worker (or elsewhere: Expeller of demons), pray for us R). That we may be made worthy of the promises of Christ. Let us pray. May the commemoration of your faithful servant Anthony, your confessor, O God, bring joy to your Church, that she may always be strengthened by spiritual aids and that she may deserve to enjoy eternal blessings. Through Christ our Lord. Amen."

[*Latin ed. p. 743*]

DECREE CONCERNING INDULGENCES FOR APOCRYPHAL PRAYERS 743. Nevertheless, the hundred-day indulgence, granted once a day to the faithful by the Decree of this Holy Congregation of May 21, 1892, for reciting the following antiphon, remains in effect: "Behold the Cross of the Lord, let the enemies be scattered; O Lion of the tribe of Judah, Root of David, Alleluia." X. Furthermore, the book entitled "Corona del Signore, sua origine, significazione ed indulgenze, ed alcuni metodi di recitarla con divozione e spirituale profitto" – Faenza, 1871, Pietro Conti Printing Company – is prohibited, because it contains several apocryphal indulgences, namely for the prayer "Deus qui nobis in Sancta Sindone etc.," and for others: "Dio ti salvi, Santissima Maria, Madre di Dio, Regina

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del Cielo ecc.," which have already been condemned by the Decree of the Sacred Congregation of the Council of Trent, dated frequently in the year 1678 (n. 18); and also for the following, which are now condemned: Innocent VIII granted a plenary indulgence to those who recite the following: "The Heavens salute you, O Virgin Sovereign, Star of the Sun more bright, Mother of God, most pious, sweetest to me, and rarest; More red than the rose, whiter than the lily, every virtue adorns you, every saint honors you, in Heaven you are the most sublime. So be it." Clement XIV grants a plenary indulgence to those who will recite the following prayer to the glorious Patriarch Saint Benedict, who revealed to the great Abbess Saint Gertrude that, in the hour of death, he would powerfully oppose the assaults of the infernal enemy, and who will devoutly recite it every day with the following: PRAYER. Saint Benedict, my dear Father, I beseech you for that dignity with which the Lord deigned to honor you with so glorious an end, and blessed.

[*Latin ed. p. 744*]

744 FROM THE SACRED CONGREGATION OF INDULGENCES: Those who desire to be present at my death are requested to fulfill in me all those promises made to the Most Holy Virgin Saint Gertrude. MEMORY OF THE GLORIOUS PASSING OF SAINT BENEDICT. Ant: Standing in the oratory, the beloved of the Lord, Benedict, strengthened with the Body and Blood of the Lord, supporting the feeble members of his disciples, raised his hands to heaven, exhaling his spirit amidst the words of prayer. He was seen ascending to heaven along a paved road, illuminated by countless torches. Ps. "Glorious art thou appeared in the sight of the Lord." R). Therefore, the Lord hath adorned thee. Let us pray. O God, who hast adorned the most precious death of the Holy Father Benedict with so many and such privileges: grant us, we beseech thee, that, as we commemorate him, we may be defended by his blessed presence against the snares of the enemies. Through Christ our Lord. Amen. Those who cannot read the above may say three Our Fathers and Hail Marys with the intention mentioned. Notwithstanding any contrary things. Given at Rome, from the Secretariat of the same Sacred Congregation, on the 26th of May, 1898. FR. HIERONYMUS CARD. GOTTI, Prefect. L. & S. F. ANTONIUS, Archbishop of Antinoen, Secretary.

[*Latin ed. p. 745*]

745 FROM THE HOLY CONGREGATION OF THE ROMAN INQUISITION. QUESTION: Whether those who have resided in a certain place for six months possess a domicile, in relation to marriage, even if it is not certain that they intend to remain there for the greater part of the year. The Diocesan Official of N., in order to quiet his conscience and to follow the proper procedure in similar cases, submits the following question to the

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Supreme Congregation. Last year, a man of the Greek Rite and a woman of the Catholic faith, both born in Romania, where they have their domicile, after having traveled for two or three years, arrived in the city of N. They had intended to reside there for three months, and they had rented a house for that period. After the three months had elapsed, they considered entering into marriage with each other. The man was free to enter into marriage, and the woman, being with her widowed mother, was also free. Since the civil law prescribes that anyone who wishes to contract marriage must reside for six months in the place where they wish to marry, they extended their residence in the aforementioned city for another three months, and, in the month of November, having resided there for six months, they approached the Official, requesting a dispensation from the impediment of mixed religion and a license to celebrate the marriage. The aforementioned Official hesitated, questioning whether the aforementioned betrothed had acquired a sufficient domicile for the purpose of marriage. Indeed, they had resided in the aforementioned city for six months; but when they entered it, they had not intended to reside there for the greater part of the year. After the three months had elapsed, they considered entering into marriage and again intended to reside there for another three months, so that the period of six months required by civil law for marriage would be completed. Lacking the intention of residing for the greater part of the year, the Official, after consulting with learned Canonists, considered that the betrothed had not acquired a domicile in that city, and therefore he did not have the authority to grant a dispensation or to grant a license for the marriage. The betrothed, having prepared everything for the wedding, entered into a civil marriage and departed for another region. They ask:

[*Latin ed. p. 746*]

746 FROM the Sacred Congregation of Rites, therefore, it is requested that [they] act with neither excessive severity nor leniency in granting dispensations and licenses for marriages contracted in defiance [of canon law], and that, with grateful acknowledgment, [they] receive the response, so that in the future it may be used as a norm for similar cases. Thursday, November 9, 1898. In the General Congregation, before the Most Eminent and Reverend Cardinals, Inquisitors General for the Faith and Morals, concerning the aforementioned case, after the vote of the Most Reverend Consultors had been presented, the same Most Eminent and Reverend Fathers decreed: "Let the petitioner rest; and let it be added: Those who are from a city or parish in the region of N., and who have resided there for six months in any parish, are to be considered as having a domicile there in order of marriage, unless inquiry is made as to whether they intend to remain there for a greater part of the year, having given their word to the parish priest." On the following Saturday, November 11th of the same month and year, in an audience granted by the Most Holy Father Leo XIII, the Most Holy Fa-

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ther approved and confirmed the resolution of the Most Eminent and Reverend Fathers. I. CAN. MANCINI, Secretary of the Sacred Roman and Universal Inquisition. FROM THE SACRED CONGREGATION FOR RITES, CONCERNING CHINA AND COCHINCHINA: Regarding the beatification or declaration of martyrdom of John Gabriel Taurin Dufresse, Bishop of Tabraca and Apostolic Vicar of Suchu, Peter Dumoulin Borie, elected Bishop, Francis Isidore Gagelin, Apostolic Missionary and Pro-Vicar General of Cochin China, and their companions, who were killed by idolaters out of hatred for the faith. CONCERNING THE DOUBT: Does it pertain to the rules concerning the case of martyrdom, the cause of martyrdom, and the signs and effects of which we are speaking? Or is it the side of Christ that emerged and was thenceforth perpetually stained with the blood of martyrs, or is it this very prodigy of fervent charity?

[*Latin ed. p. 747*]

From the Sacred Rituals, number 747, its divine origin is evident. And if, as Tertullian writes, the blood of martyrs is the seed of Christians, it is fitting for the Church to boast that this seed has been most abundantly sown in these latter times. Whoever considers how unstable, how indulgent, these times have become since the observance of true faith began to decline and the doctrine is scattered by every wind, will easily understand how opportune it is to recall the example of the most valiant men, especially those whose deeds have been witnessed almost by our own eyes.

Among the most recent athletes of Christ, there are John Gabriel Taurin Dufresse and many companions, numbering forty-nine in all. Their names are as follows: Augustine Chapdelaine, Augustine Tchao, Paul Lieou, or Liou, Joseph Yuen, or Ven, Thaddeus Lieou, Peter Lieou, or Ouen Yen, Peter Ou, Joachim Ho, Laurence Pe, Man, Agnes Tsao, Kouy "in China," Peter Dumoulin Borie, John Charles Cornay, Augustine Schoeffler, Peter Khoa, Vincent Diem, Peter Tuy, James Nam, Joseph Nghi, Paul Ngan, Martin Thinh, Paul Khoan, Peter Thi, Andrew Dung, or Lac, John Dat, Luke Loan, Peter Tu, Francis Xavier Can, Paul Mi, Peter Duong, Peter Truat, John Baptist Thanh, Peter Hieu, Anthony Dich, Michael Mi, Martin Tho, John Baptist Con, John Aloysius Bonnard "in Tonkin," Francis Isidore Gagelin, Francis Iaccard, Joseph Marchand, Emmanuel Trieu, Philip Minh, Andrew Trong, Thomas Thien, Paul Doi Buong, Anthony Quinh Nam, Simon Hoa, Matthew Gam "in Cochinchina."

These men, in the kingdoms of China and Tonkin, and in Cochinchina, striving to maintain the Christian faith, which was proscribed by tyrants in those regions, or to promote it among the barbarians, emulating the examples of the ancients, did not hesitate to suffer the most atrocious torments; some were bound to stakes and strangled with ropes; others were crucified; and to most, their heads were cut off, thus giving the most excellent testimony to Christ.

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This was not accomplished solely by men of the sacred order, which especially pertains to the Society of Foreign Missions, which has so admirably merited the increase of religion; but also by others of the people, among whom...

[*Latin ed. p. 748*]

748 From the Sacred Congregation of Rites, it is known that the constancy of the young soldier, Andrea Trong, plainly worthy of his mother's fortitude, who, imitating the Blessed Virgin, stood by her son's suffering, and after his head had been cut off by the tyrant in the year [unspecified], she took up his head and embraced it. The fame of this martyrdom, having been spread far and wide, after proper investigations, concerning this very martyrdom, its cause, and its signs, Pope Leo XIII, by a decree issued on December 10, in the year 1897, graciously permitted that the matter might be discussed in a particular assembly of the Sacred Congregation, with the vote of the Official Prelates. Therefore, this assembly was convened on the nineteenth of May of this year, in the Vatican Palace, and the Most Reverend Cardinal Caietanus Aloisi Masella, Relator of the Cause, proposed the question: "Does it appear certain that there was a martyrdom, the cause of the martyrdom, and the signs or miracles in the case and to the effect of which we are speaking?" The Most Reverend Cardinals and Official Prelates gave their votes individually. His Holiness, having heard the report from the Most Reverend Cardinal Camillus Mazzella, Bishop of Praenestinus, Prefect of the Sacred Congregation, postponed declaring his judgment. However, on that day, which was the Sixth Sunday after Pentecost, the feast of Saint Mary Hospitaller, after the sacred rite had been performed, he received the aforementioned Cardinals, Camillus Mazzella and Caietanus Aloisi Masella, together with the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and myself, the undersigned Secretary, and, in their presence, he solemnly decreed: "It is certain that there was a martyrdom and the cause of the martyrdom, and the signs or miracles in the case and to the effect of which we are speaking, concerning forty-seven [individuals]; concerning, however, the Venerable Servants of God, Matthew Gam and John Aloysius Bonnard, although it is not certain that there were signs or miracles, since it is certainly certain that there was a martyrdom and the cause of the martyrdom, it is permissible to proceed further in the case and to the effect of which we are speaking." He ordered that this decree be made public and recorded in the acts of the Sacred Congregation on July 6, in the year 1899. CAMILLUS CARD. MAZZELLA, Bishop of the Holy Roman Church, Prefect. Praenestinus, L. % S. DIOMEDES PANICI, Secretary of the Holy Roman Church.

[*Latin ed. p. 749*]

749 FROM THE SACRED RITUAL ROME: A QUESTION REGARDING

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PRECEDENCE WHEN TWO FEASTS COINCIDE, ETC. The present Parish Priest of the Church of Saint Catherine in the Sacred City humbly requests a solution to the following doubt from the Congregation for Sacred Rites: Whether a fixed feast, which is more important and proper, takes precedence over another feast when the two coincide, and whether, under equal circumstances, both feasts enjoy the same precedence according to the general rubrics of the Breviary, Title X, number 6, even when they coincide? And the Sacred Congregation for Sacred Rites, after considering the matter with the undersigned Secretary, after hearing the opinion of the Liturgical Commission, and after careful deliberation, decided to respond: Negatively. And so it was decreed on May 19, 1899. C. CARD. MAZZELLA, S. R. C., Prefect. * S. DIOMEDES PANICI - S. R. C., Secretary. A QUESTION REGARDING THE CUSTOM OF THE CANONIC REGULAR CANONS OF SINGING VESPERS. The Reverend Vincent Cosme, Priest and Master of Ceremonies of the Cathedral Church of Caurien, humbly requests a solution to the following doubts from the Sacred Congregation for Sacred Rites, with the consent of the Ordinary of Rome: In the Cathedral Church of Caurien, there is a custom of the Canon Regular Canons of singing Vespers, with chanting, even on minor doubles, semi-doubles, ferias, and other days; and, according to the Decree of Derthonen, dated May 22, 1841, they are obliged to observe this custom; but when the Celebrant is present at these Vespers, the altar is incensed, and, according to a special regulation of the same Church, two Beneficiaries are present, wearing their rain cloaks. The question is: I. Whether the Ceremonial of Bishops should be observed in Vespers celebrated in this manner? II. Whether, given this custom, the Celebrant may remain in his choral vestments until the Chapter, and only then put on the rain cloak? III. Whether the aforementioned Beneficiaries are obliged to assist the Celebrant in the incensing of the altar?

[*Latin ed. p. 750*]

750 FROM THE SACRED CONGREGATION OF RITES IV. Should these commemorations be performed with singing, for the sake of uniformity? And the Sacred Congregation, having considered the aforementioned request from the secretary, having also heard the opinion of the Liturgical Commission, and having considered all things, decided to respond as follows: To I. Affirmative. To II. Negative. To III. and IV. Affirmative. And thus it responded on May 19, 1899. C. CARD. MAZZELLA, "Prefect of the Sacred Congregation." L. * S. DIOMEDES PANICI, "Secretary." GADIZ. DOUBTS which frequently arise at funerals. The Reverend Emmanuel Martínez Garcia, Master of Ceremonies of the Cathedral Church of Gadiz, with the consent of his Reverend Bishop, presented the following doubts, which frequently arise at funerals, to the Sacred Congregation of Rites for a suitable solution, namely: I. When the body of a Canon or Beneficiary of this Cathedral Church of Gadiz is to be buried, according to custom,

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two crosses are carried in the procession; one is the processional cross of the Cathedral Church, the other is the so-called Capitular cross. Since the Roman Ritual, title 6, chapter 3, number 1, states: "with a priest carrying the cross," the question arises: Is this custom permissible? And if it is not permissible, which of the aforementioned crosses should be carried? II. Regarding the manner in which the body is to be prepared, among other things, the Ritual states in title 5, chapter 8, number 4: "and a small cross should be placed upon the palms of the deceased's hands, or if a cross is lacking, the hands should be arranged in the form of a cross." However, in the Diocese of Gadiz and in other regions of the same area, there is a custom of placing, between the hands of the deceased (if he is a priest), not a small cross, but rather a chalice, which is sometimes made of silver, and which is used for the celebration of Mass. The question is: Is this practice permissible? III. Regarding the translation of the body from the house to the cemetery, all teach that it should be carried feet first, unless...

[*Latin ed. p. 751*]

From the Sacred Congregation of Rites, 751: If a layman has died, all [the prescribed ministers] are present; but if a cleric has died, not all are required. Some authors teach that, in this latter case, the body should be carried feet first, and this opinion is supported by the practice observed in some places, where the bodies of clerics are carried with the head turned towards [the altar]. Furthermore, the text of the Ritual seems to agree with this opinion, as it states: "But the priests shall have their heads turned towards the altar," title 6, chapter 1, number 17. Therefore, the question arises: Should this opinion and practice be followed?

IV. In the Ritual, title 6, chapter 3, number 4, it is written: "The parish priest shall precede the bier." Nevertheless, in the city of Cadiz, there is a custom whereby, if the deceased is a member of the cathedral clergy, he is carried by the preceding priest, who performs the office of burial, that is, in the midst of those who attend the procession. Is this custom to be tolerated?

V. Since the Ritual states in title 6, chapter 4, number 4: "The readings are to be read," can the custom of chanting be tolerated, especially if it is done without a musical ensemble, as is done in the Cathedral Church of Cadiz regarding the first and second readings?

And the Sacred Congregation, after careful consideration, with the vote of the Liturgical Commission, and with the knowledge of the undersigned Secretary, decided to respond as follows:

To I, regarding the first question: No; and regarding the second: The Chapter Cross, which is also the Cross of the Cathedral Church.

To II: Yes, provided that a chalice is used that is not used for the Mass.

To III: No, the body of any deceased person should not be carried feet

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first along the way; but in the case of priests, the Roman Ritual should be observed.

To IV: The Roman Ritual should be observed.

To V: Yes.

And thus it was decreed, on June 8, 1899.

C. CARD. MAZZELLA, Prefect of the Sacred Congregation.

L. D. PANICI, Secretary.

[*Latin ed. p. 752*]

752 FROM THE RITUALS OF GADITANIA. A question concerning the custom of blessing the baptismal font by the Chapter. The Most Reverend Joseph Mary Raneeset Villanueva, Bishop of Gaditania, presented the following matter reverently to the Sacred Congregation for the Rituals, seeking a suitable declaration: "In the city of Gaditania, in the Church which bears the title of the Holy Cross, which was founded in the middle of the tenth century by the Catholic and wise King Alfonso X, and which, in the year one thousand eight hundred and thirty-eighth, was transferred from the Cathedral and made a parish church, to the present and most magnificent temple, consecrated in that same year, the Chapter has always been located. Although the ancient temple is situated approximately seventy paces from the new one, from that time onward, it has been considered the sanctuary of the Chapter, to which the same Chapter is accustomed to convene each year in procession, both on Holy Saturday and on the Vigil of Pentecost, and therefore to bestow the blessing upon the baptismal font. However, in the year one thousand eight hundred and seventy-six, the Bishop of Gaditania, Father Felix de Arriete and Siano, judging that these two churches should be entirely separated, actually separated them, and, imposing certain conditions, which he deemed most suitable, both upon the Chapter and upon the parish, he did not disapprove of the custom of the Chapter blessing the baptismal font on Holy Saturday and the Vigil of Pentecost, but rather, he declared it to be worthy of praise and to be followed, as has indeed been the case until now. Therefore, the Reverend Orator asks: 'Given the circumstances explained above, can such a custom of the Chapter blessing the baptismal font be maintained?' And the Sacred Congregation, after considering all matters pertaining to the case, and with the undersigned Secretary present, decided that the answer should be: 'Affirmatively,' provided that there is only one baptismal font for both churches. And so it was written. June 8, 1899. C. CARD. MAZZELLA, Prefect of the Sacred Congregation. S. DIOMEDES PANICI, Secretary of the Sacred Congregation.

[*Latin ed. p. 753*]

753 FROM THE SACRED CONGREGATION'S DECREE concerning the doubt as to whether a diocesan Bishop is lawfully entitled to yield his

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throne to another Bishop, etc. Since such ease in undertaking and completing journeys has brought about the advantage that Bishops of various dioceses often meet, either for some solemn function or for the celebration of Episcopal gatherings, the question has been raised: whether it is permissible for a diocesan Bishop to yield his throne to another Bishop. Therefore, the Sacred Congregation of Rites deemed it opportune to diligently examine the question concerning this yielding of the throne, which had been brought before it on several occasions. Consequently, in the ordinary meetings held at the Vatican on the date indicated, and signed by the Most Eminent and Most Reverend Cardinal Andrea Steinhuber, Relator, the following question was proposed: "Does a diocesan Bishop possess the right to yield his throne to another Bishop with the due assistance of Roman Canons?" And the same Sacred Congregation, after a careful vote by the Liturgical Commission, and after all matters had been carefully discussed and considered, decided to respond: Affirmative, provided that the Bishop invited is not the diocesan Coadjutor, or Auxiliary, or General Vicar, or even a Dignitary or Canon in that Church. Just as Cardinal Bishops of the Suburbicarian regions and others holding titular churches can only yield their thrones to other Cardinals, so too it is fitting that Prelate Cardinals of other dioceses should yield their thrones only to others adorned with the same Cardinalate. May 9, 1899. Subsequently, a report on these matters was made to Our Most Holy Lord Pope Leo XIII by the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, and His Holiness ratified and confirmed the Rescript of the aforementioned Sacred Congregation on June 12 of the same year.

C. CARD. MAZZELLA S. B. C. Prefect of L. * S. D. Acts, Vol. XXXI, p. CCCLXXII.

PANICI S. B. C. Secretary 48.

[*Latin ed. p. 754*]

754 FROM THE DECREE OF SACRED RITES: A doubt concerning the funeral Mass with singing, etc. At the request of certain Parish Priests, the following question was presented to the Congregation of Sacred Rites: "Can a funeral Mass be celebrated for a poor deceased person, whose family is unable to pay the expenses of a Mass with singing, under the same stipulations and conditions as those under which a Mass with singing is permitted? And the Sacred Congregation, after a careful vote by the Liturgical Commission, and after all due expenses had been considered, decided to respond: "Affirmatively, that is, it is permissible to celebrate a sung Mass in place of a Mass with singing, provided that on Sundays and other feast days, the Mass of the day is not omitted." May 9, 1899. After all of the above had been reported to His Holiness Pope Leo XIII through the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness approved and confirmed the rescript of the aforementioned

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Congregation. June 12, of the same year. C. CARD. MAZZELLA, Prefect of the Sacred Rites Congregation. L. S. DIOMEDES PANICI, Secretary of the Sacred Rites Congregation. In Rome, the venerable Raymund of Capua, Servant of God, Master General of the Order of Preachers, now beatified, has, from time immemorial, rendered service to the cult. Among the illustrious men and the renowned family of the Brothers of the Order of Preachers, Raymund of Capua, the 23rd Master General of the Order, deserves praise. He was born in Capua around the year 1330, from a noble family of the Vineis, and from his infancy, he dedicated himself to the Virgin Mary, and with her help, as he grew older and after a commendable course of studies in the humanities, he was called to the Holy Father Dominic, and joined the same Order. After completing his novitiate, he was ordained a priest, and instructed in the ministry of teaching, and even in his youth, he shone so brightly with the virtue of prudence that he was entrusted with hearing confessions at the monastery which was founded by Saint Agnes at Monte Politiano, and there he himself spent his life. Afterwards, he was brought to Rome and appointed to oversee the monastery near the temple of Minerva; however, he was soon dismissed from the office of Prior, and after being preceded by his superiors.

[*Latin ed. p. 755*]

By permission of the Sacred Ritual, number 755, he devoted himself to sacred duties, contributing greatly to the salvation of souls and the growth of piety. In the year 1374, he was sent to Senasmissus and appointed prefect there, and to the Virgin Angelica and Saint Catherine, he was given as a confessor. He worked diligently with them, both in restoring the regular discipline and in returning the stable dwelling of the Roman Pontiff to this city; and it was clearly demonstrated that the merits and praise of one had redounded to the glory of the other. Before Saint Catherine migrated to the heavenly homeland, she entrusted the unfinished works to Raymund. Subsequently, the Very Reverend Vincent, General Master of the Order of Preachers, was elected, and he spared no effort or industry in restoring religious observance to its former splendor; and therefore, after the most holy Father Legislator Dominic, he earned from his students the glorious title of Parent and Restorer of the Order. An excellent defender and upholder of the rights of the Holy See and the Supreme Pontiffs, he worked tirelessly to restore the unity of the Church, torn apart by a grievous schism, and, like an angel of counsel and peace, he traversed a great part of Europe, winning the admiration and love of peoples and princes. Therefore, it is not surprising that he was highly esteemed by the Supreme Pontiffs Gregory X, Urban VI, and Boniface IX; however, he humbly refused the most generous honors offered to him as a reward for his labors and a sign of benevolence. Finally, while diligently engaged in reforming religious

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discipline in Germania, he died most holily in Nuremberg, afflicted by a deadly illness, in the year 1399, on the third of the Kalends of October. His sacred remains were carried forth with great splendor and placed in the temple of the Order of Preachers; which, from the beginning of the 16th century, were transferred by the brethren of the same Order to the church of Saint Dominic in Neapolis. Meanwhile, the fame of Raymund's sanctity, which he had already attained while still living, was celebrated after his death, and he was honored with even more signs of ecclesiastical veneration. Therefore, at the urgent request of the General Postulator of the Order of Preachers, Father Vincent Ligiez, and because strong arguments were available to prove the antiquity of this public, ecclesiastical, and unchangeable veneration, which had existed, without interruption, even before the time of Urban, this service of God was presented to him, and it was affirmed that he had persevered in this practice until this time. An Ordinary Inquiry concerning this veneration was held in Rome, and a judgment was also pronounced by the Most Eminent Cardinal, Vicar of the City. The acts were then presented to the Sacred Rites.

[*Latin ed. p. 756*]

From the Congregation for Divine Worship, at the request of the Reverend Father Andrea Frühwirth, General Master of the Order of Preachers, together with the Reverend Father Mauro Maria Kaiser, Postulator of the same Order, and after careful consideration of certain petitions from Eminent Cardinals of the Holy Roman Church, as well as from Most Reverend Sacred Prelates and General Superiors of Orders and Congregations, the Most Reverend Lord Cardinal Caietanus Aloisi-Masella, Relator for this cause, proposed the following question for discussion at the Ordinary Meetings held at the Vatican on the date indicated: "Whether the decision rendered by the Most Reverend and Eminent Cardinal, Vicar of the City, concerning the devotion rendered from time immemorial to the Servant of God Raymond of Capua, or concerning the case excepted from the Decrees of Pope Urban VIII, should be confirmed in the case and for the purpose in question." And the Sacred Congregation itself, after mature deliberation on all matters, and after hearing the voice and written opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, decided to respond: "Affirmative, that is, the decision should be confirmed." On May 9, 1899. Subsequently, a report on these matters was made to the Most Holy Lord Pope Leo XIII by the Cardinal Prefect of the Congregation for Divine Worship, and His Holiness approved and confirmed the Rescript of the Sacred Congregation itself, on the fifteenth day of the same month and year.

C. CARD. MAZZELLA, Prefect of the Sacred Congregation.

L. S. DIOMEDBS PANICI, Secretary of the Sacred Congregation.

FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, regarding an Indult concerning Fasting and Ab-

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stinence for Latin America. On July 6, 1899. The Archbishops and Bishops of Latin America, convened in plenary session in the City, presented to the Most Holy Lord Pope Leo XIII, gloriously reigning, the great difficulty in which the faithful dioceses, due to special regional conditions, find themselves, notwithstanding the most generous indulgences granted by the Holy See concerning fasting and abstinence.

[*Latin ed. p. 757*]

FROM THE SUPREME HOLY CONGREGATION FOR ECCLESIASTICAL AFFAIRS, EXTRAORDINARY, 757. Therefore, supplications were presented, so that Holiness might deign to grant a broader and more general dispensation for Latin America. Furthermore, the Most Holy Father, having been informed by the undersigned Secretary of the aforementioned Supreme Holy Congregation for Ecclesiastical Affairs, Extraordinary, after mature deliberation and with the prior vote of certain Cardinals of the Holy Roman Church, considering the most serious reasons presented, desiring to respond to the needs and anxieties of souls, while observing the ecclesiastical law of fasting and abstinence, and preserving the existing exceptions granted by that law according to common law, according to the rules of approved authors, and not granting special indulgences to individual ecclesiastical provinces hitherto granted, and still in force, until they endure, has decided to grant, as He grants, for a period of ten years, to all Ordinaries of Latin America, the faculty, to their own judgment, to dispense, each year and with mention of the apostolic delegation, to the faithful who request it, including religious of both sexes with the consent of their ecclesiastical superiors, from the law of fasting and abstinence, provided that:

1. The law of fasting without abstinence from meat shall be observed on the weekdays of Advent (VI) and of Lent (IV).

2. The law of fasting and abstinence from meat shall be observed on the Wednesday of Ash Wednesday, on the weekdays of Lent (VI) and on the Friday of the Greater Week. But on days of fasting, it will always be permitted to all, even those under religious vows, without requesting a special dispensation, to partake of eggs and dairy products at the late collation.

3. Abstinence from meat without fasting shall be observed on the four vigils of the feasts of the Nativity of Our Lord Jesus Christ, of Pentecost, of the Assumption of the Blessed Virgin Mary, and of the Holy Apostles Peter and Paul.

4. In each region, the conditions regarding prayer, recitation, and the offering and destination of alms, which have hitherto been observed in the granting of pontifical indulgences, shall be maintained. Furthermore, it is forbidden to the parish priests and other priests delegated by the bishops to request or accept anything else on the occasion of dispensations granted by them.

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The privileges of Latin America, as granted in the Constitution *Trans Oecanum*, April 18, 1897, (1) remain in force.

(1) This Constitution is referred to in Vol. XXIX, page 639.

[*Latin ed. p. 758*]

758 FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS. And concerning these matters, the Most Holy Lord commanded that the present decree be promulgated and recorded in the acts of the Sacred Congregation for Extraordinary Ecclesial Affairs, notwithstanding any contrary provisions. Given in Rome, at the Secretariat of the Sacred Congregation for Extraordinary Ecclesial Affairs, on the day, month, and year aforesaid. FELIX CAVAGNIS, Secretary. FROM THE AUDIENCE OF THE HOLY FATHER. Decree, by which to the Archbishops of America, the privilege of granting eighty days of Indulgence is conceded. On July 4, 1899. Having been informed that in the regions of Latin America, a custom generally prevails, of which, however, no written document exists, namely, that the Archbishops, by right, grant forty days, and that the same Most Holy Lord was petitioned by the Archbishops, with the attendance of the Plenary Council of America in the City, that He would deign to ratify and confirm that custom; desiring to establish a certain and uniform discipline in Latin America, and to pursue the churches of that region with particular love, His Holiness, by His Apostolic authority, benignly decreed that, in the future, the Archbishops of Latin America may freely enjoy and use the privilege of granting eighty days of true Indulgence, according to the usual form of the Church. Concerning which, the same Most Holy Lord ordered that the aforementioned Secretary, Prefect of the Sacred Congregation for Extraordinary Ecclesial Affairs, should cause this decree to be promulgated without any brief, and that the same be recorded in the acts of the aforementioned Sacred Congregation. Given from the Secretariat of the same Sacred Congregation, on the day, month, and year as aforesaid. FELIX CAVAGNIS, Secretary.

[*Latin ed. p. 759*]

759 A SUMMARY OF THE ACTS CONTAINED IN THIS VOLUME, NUMBER XXXI: LETTERS addressed to Rome concerning matters of importance; ACTS of the Holy Father, concerning the same matters. . . . 321 Letters of the Most Holy Pope Leo XIII, by a Motu Proprio of the Most Holy Pope Leo XIII, by which vacant sees are abolished, concerning page 3; concerning the dedication of the Church of Saint John Lateran in Rome, entrusted to the care of the Most Holy Pope Leo XIII; Indiction of the Jubilee Year of the Most Holy Pope Leo XIII; Letter of the Most Holy Pope Leo XIII to the Bishops, clergy, and people of the Scottish nation, concerning the Rosary; Universal Jubilee Year of 1899; Letters

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of the Most Holy Pope Leo XIII concerning the devotion to the Most Sacred Heart of Jesus; concerning the Marian Year. . . . 146 concerning a society established for the promotion and protection of sanctuaries in the Eastern region; Apostolic Constitution of the Most Holy Pope Leo XIII concerning privileges; 646 From the Sacred Congregation concerning the marriage laws of the Most Holy Pope Leo XIII; to the general minister of the Order of Saint Thomas Aquinas; 264 of the Most Holy Pope Leo XIII to the Ordinaries of Latin America, concerning the consummation of marriage. . . . 14 confraternities; they act so that the doctrine of marriage is restored, and not abandoned; a dispensation from the laws of marriage is granted; concerning the Sodalitas of the Most Holy Rosary; the Cardinal Langenieux, Archbishop of Rheims, by the name of the Most Holy Pope Leo XIII, to the Moderator of Americanism; Letters of the Most Holy Pope Leo XIII to the Bishops of Scotland; Letter of the Most Holy Redeemer to the Archbishop of Baltimore; Encyclical Letter of the Most Holy Pope concerning the clergy of Pannonia; . . . . 49 concerning the dispensation of marriage; the Most Holy Pope Leo XIII grants a dispensation.

[*Latin ed. p. 760*]

760 SUMMA ACTORUM: Concerning a marriage validly contracted but not consummated, an unexpected explosion occurred in Tranen, causing 65 injuries; a dispute arises concerning certain matters between the Clergy and the Premisliens. A dispensation is granted due to the nullity of the marriage, caused by impotence.

94: It is doubted whether a Parisian, fearing a grave nullity, has obtained a dispensation.

205: A dispensation is granted to one who, through prolonged suffering, has been discriminated against concerning the marriage; the marriage is declared null and void, and the canonical obligations must be observed.

187: Regarding a request for a dispensation from Torthonen concerning the marriage; the canonical obligations are fulfilled by the Most Holy Father.

79: It is argued that the marriage is inconsummated; the Sodalities existing there in Utinen are affected by the marriage; the marriage is not valid.

240: Andrien. The burdens of the Sodalities are discussed with the Most Holy Father; it is inquired whether it can be presumed that the testator intended to leave something for the lamps of the sacristy, in which case there is some doubt.

108: Parisien, regarding the obligation to recite the Office of the Dead; it is satisfied by a double obligation for each recitation by the priests, according to the law of the Church, and this, concerning a marriage validly contracted, but not consummated.

166: Patavina: A dispensation is granted concerning the marriage.

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172: A dispensation is granted concerning the marriage; the question is brought before the prudent Bishop.

284: A dispensation is granted concerning the marriage.

292: Potentina: Concerning the canonical obligations of the marriage; it is denied that the marriage was validly consummated.

149: A dispensation is granted concerning the marriage.

341: A dispensation is granted concerning the marriage.

275: Concerning the marriage, the Most Holy Sacrament is granted.

348: The marriage is declared null and void; the question between the canons and the chaplains concerning the tasks to be performed is resolved.

178: Herden: Regarding irregularities concerning the marriage; a dispensation is granted at the discretion of the Bishop.

scopi: The promotion to the sacred orders of a cleric is remitted, as confirmed by the sentence of the Parisian Curia, which declared the marriage null and void.

[*Latin ed. p. 761*]

SUMMA ACTORUM then declared the marriage null due to a defect in the form used in Trent. 365 Neapolitan precedents; it is decided that the right of precedence belongs to the Sodality of the Most Holy Rosary. 377 Neapolitan precedents; the College of Theologians argues to assert its right of precedence over the canons of collegiate churches and the pastors of the city of Naples in processions and sacred functions. 385 Warsaw, marriage; the question is whether the marriage was null and void due to the impotence of the man. 480 Sypontine precedents; it is investigated to whom the right of precedence belongs among the sodalities. 513 Giennen, marriage; the grace of marriage is granted, subject to the judgment and conscience of the Bishop. 525 Parisian, nullity of marriage; it is decided to confirm the judgment of the Parisian court, of this tenor: that the marriage in question is declared null and void due to unjust coercion, saving the legitimate rights of the offspring. 605 Suessionen. Congregation of Priests of the Most Sacred Heart of Jesus, dispensation from irregularity; a dispensation from irregularity is granted, provided that all danger of irreverence is absent. 620 Doubt: whether it is permissible to collect sacred objects, and to lend them to others, for a loan, which arises from a change of money, retaining the profit for oneself. 623 761 Lublin or Warsaw, nullity of marriage; the judgment of the metropolitan court is confirmed, in which it was declared that the marriage was null, due to the vice of clandestinity. 652 Parisian, marriage dispensation; the requested dispensation is granted. 673 Pinerolen, canonry; it concerns the manner of appointing a pastor to the Cathedral, and whether the benefice established for the pastor is subject to the rule of affection and reservation. 709 FROM THE HOLY CONGREGATION OF THE SACRED ROMAN CONGREGATION FOR THE INQUISITION.

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Instruction for conducting a process concerning the impotence of a man and the failure to follow through, etc. 37 Doubt: whether the Bishop can grant a dispensation in articulo mortis regarding the impediment of mixed religion. 52 Doubt: whether and how Bishops can grant a dispensation in articulo mortis regarding the impediment of mixed religion and disparity of cult. 53 Concerning marriages celebrated by non-believers with the intention of fulfilling obligations. 54 Doubt: whether a delegation to grant dispensations regarding diriment impediments in articulo mortis can be obtained for assistant pastors. 57 Doubt: concerning physical contact in the third imposition of hands, in the ordination to the priesthood. 60

[*Latin ed. p. 762*]

762 SUMMARY OF QUESTIONS: Is it permissible to say that the faculties which Bishops have already obtained for marriages without delegation from the Bishop or parish priest are granted by the Holy See to any priest who is able to administer the sacraments, and that these are not proper to Bishops?

316 Rule for a parish priest who assists a Catholic dying, civilly married to an infidel.

121 Question: Do the censures imposed on those who usurp alms, the Host, in the Holy Land, and on those who take books from the library without permission, still hold, since they have been committed?

318 Question concerning the validity of the ordination of a priest, in which the ordaining priest joined his hands to the second imposition, placed them on the chest, and then separated them.

124 Regarding delegation...

384 Question concerning the validity of the ordination of a priest, in which the Bishop, by the second imposition of hands, declared him not to be in the head of the order; whether he is to be excommunicated, or declared excommunicated by the Pope or by a Bishop, and whether excommunication minor is incurred; however, this is done after he has put on the stole on his chest.

125 Regarding the conditions for absolving those who have given their name to sects forbidden...

251 Question: Is it permissible for Bishops to absolve wives of soldiers who have fought at Aduam in Africa, without requiring them to send letters to MÃ¶rlen, when neither a confessor nor a penitentiary can be found?

252 Question: Is it sufficient for a schismatic, who is established in the faith, to have a domicile in the parish, and to a Catholic confessor?

253 Question concerning pagans who are polygamists, of whose true consent in contracting marriages there is no certainty; whether a Bishop can generally delegate to parish priests who are not his own.

254 Question: Is a material domicile of six months sufficient for mar-

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riage?

Regarding the custom of assisting those...

[*Latin ed. p. 763*]

SUMMA ACTORUM 763, concerning Ordination, in which the Bishop, in a certain parish, without observing the proper manner, indeed without remaining for the customary time, after having pronounced the sacramental words... 531 Doubt: Whether, in new parishes of heretics, established within dioceses, in which it has been publicly declared within the Catholic institution of Trent, that a decree has been promulgated concerning the marriage of the dying... 532 Regarding the supplementary oath for the sacred ordination... 533 Doubt concerning fasting, for those who are truly vagrants, whether they can freely prove their freedom... 534 Doubt concerning the publication of the decree of the Council of Trent... 535 Doubt concerning the priestly ordination, in which the Bishop, while reciting the form of the prayer, did not hold his hand raised... 536 Doubt: How many impediments to marriage are found among those being ordained? 537 Doubt concerning the priestly ordination, in which the Bishop, reciting the form of the prayer, did not always hold his hand raised above those being ordained... 538 Doubt: How many impediments are found among sons of two brothers, who have been married to two sisters? 539 Doubt concerning the intention, at the time of the sacred ordination, regarding the revocation of scruples... 540 Doubt concerning the validity of a priestly ordination, if wine is not present in the chalice during the consecration... 541 It is permitted to Bishops to have the power to dispense marriages between godparents... 542 Doubt: Whether affinity, arising from an illicit union, during the time of fidelity, prevents marriage after baptism... 543 Doubt: The priest doubts whether he can hold the paten while celebrating Mass... 544 Doubt: Concerning a dispensation from mixed marriages, of differing religions, and the healing of the impediment at the root in the article of death... 545 It is doubted concerning the validity of the article... 546 Doubt: Whether a marriage, with an impediment removed, is valid... 547 The Bishop, during the ordination, pronounced the form of words, although he remembered having touched it before... 548 Doubt: Whether the marriage of the dying is valid, if the wine is not present in the chalice.

[*Latin ed. p. 764*]

764 SUMMA ACTORUM: A question arises; whether the Pauline privilege can be applied to a Christian who, after conversion, commits some crime.

694 A question: Whether an ordinary abbot, possessing the faculty of conferring sacred chrism, can exercise this faculty within his own territory, even with regard to subjects who are not his own.

695 A question: Whether the Pauline privilege can be applied when an

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unbeliever follows conversion, but disregards cohabitation with the converted party.

697 A question: Whether those who have resided in a certain place for six months can be considered to have a quasi-domicile for the purpose of marriage, and whether it is certain that they intend to remain there for the greater part of the year.

745 FROM THE HOLY CONGREGATION OF RITES: The Vicariate Apostolic of Se-Ciuensis, Occidental: The custom of using a "friend," adorned with white garments, made from a certain fabric commonly called "Hia-pou," is approved.

61 Basel and Lugano: It is requested whether the custom of carrying images of the Blessed Virgin and of Saints in processions with the Most Holy Eucharist can continue.

62 Szathmaren: Concerning the beatification of the Servant of God, John Ham.

113 Lucana: Concerning the beatification of the Servant of God, Caesar Franciotti.

114 St. Andrews and Edinburgh: Concerning the confirmation of the cult rendered to many Servants of God.

117 Rome (or Parisian): Concerning the beatification of the Venerable Servant of God, Magdalene Sophia Barrat.

119 Marseilles: A rescript, by which the Litany of the Most Sacred Heart of Jesus is approved for the Diocese of Marseilles, Autun, and the entire Order of the Visitation of the Blessed Virgin.

190 Litany of the Most Sacred Heart of Jesus.

191 Letters concerning the use of the Slavic language in the sacred liturgy, addressed to the Archbishops and Ordinaries of the provinces of Gordien, Landren, and Zagreb.

310 A question concerning the solemn Mass in the churches of suffragan sees, with the Metropolitan present.

313 Hydruntina: A question concerning the duties to be performed by the Archdeacon to the Arch-Bishop officiating, in the presence of the titular Bishop.

315 Instructions concerning Masses celebrated in burial chapels, and concerning the distance that should exist between the altar and the corpses buried in the cemetery.

315 Andegaven: Concerning the beatification of the Venerable Servant of God, Joan Delanoue.

380 Brixen: Concerning the beatification of the Venerable Servant of God, Mary Magdalene Martinengo a Barco.

410 Decree concerning semi-public oratories.

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412 Nivernen: Doubts concerning the permission to celebrate Masses in public oratories, etc.

413 Lucana: A doubt concerning a clause.

[*Latin ed. p. 765*]

SUMMARY OF ACTIONS presented to the faculty granted to the Canons of the Cathedral of Luke. 414 A question regarding the sounding of the organ, when the Preface or the Lord's Prayer is being sung. . . 418 Agen, it is requested that the blessing of the candles, which was to be held on the following Sunday, be postponed due to the suppression of the Feast of the Purification. 415 Montreal: various questions. 416 Andegavensis: concerning the beatification and canonization of the Servant of God, Joan Delanoue, foundress of the Sisters of Saint Anne; the records of the process are reported. . . 417 Lauden: concerning the beatification and canonization of the Venerable Servant of God, Antonia Maria Bettoni. . . . 497 Andegavensis: concerning the beatification and canonization of the Venerable Servant of God, Sister Maria of Saint Euphrasia Pelletier. 500 Salerno: the privilege requested by the Sodality of the Most Holy Sacrament, to precede the members of the Third Order of Carmelites, is denied. 500 Augsburg: the consecration of the faithful to the Heart of the Virgin Mary, to be performed on the last Sunday of May. . . . 538 Act of consecration of a Diocese to the most pure Heart of Mary. 539 Utina: a question regarding the proper form for baptism. 540 Alatri: concerning certain customs to be observed. . . . 541 Saint-Dié: concerning the beatification of the Venerable Servant of God, Alexia Ledere. . 543 765 Reims: concerning the canonization of Blessed John [Baptist] de la Salle. 628 Mexico: questions concerning various unusual practices in that Diocese. 700 Vicenza: a question as to whether the antiphon "Si iniquitates" should be sung with the psalm "De profundis" and the Prayer of the Faithful, and whether the prayer to the deceased should be recited by a priest, and upon returning to the sacristy. . . 701 Rome and the World: the Most Holy Father allows the recitation of the Litany of the Most Holy Heart of Jesus, already enriched with an indulgence of three hundred days, throughout the entire world. 701 Velletri: a question; it is asked whether three customs should be maintained or rejected as abuses. . 702 Urgell: questions regarding the sacred functions, to be properly celebrated. . 703 China, Tonkin, and Cochinchina: declaration of the martyrdom of John Gabriel Taurin Dufresse and his companions. 746 Rome: a question regarding precedence in the case of two feasts coinciding, etc. 749 Caor: questions regarding the custom of the Canons paying for Vespers. 749 Guadix: questions that frequently arise in funerals. . . . 750 Cadiz: a question regarding the custom of the Chapter blessing the baptismal font. . . 752 Decree concerning the question of whether the diocesan Bishop is entitled to cede his throne to another Bishop, etc. . . . . 753 Decree: a

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question concerning the funeral Mass with singing, etc. 754

[*Latin ed. p. 766*]

766 A summary of the acts of the Roman Province, or Order of Preachers, concerning the confirmation of the cult, from time immemorial, presented to the Servant of God, Raymond of Capua.

754 From the Sacred Congregation of Bishops and Regular Canons in Rome: It is asked whether the seminary or its administrators are obligated to pay the sum of money owed by a student of the seminary.

304 A doubt: It is inquired whether those who have been expelled, without a regular process, from the institutes of the simple vows, namely, students not yet promoted to the sacred orders, can be so expelled.

383 Concerning a dismissal from Montis Pessulani: Various questions are raised between the religious and the sister who has obtained the faculty of remaining outside the cloister by the decree of the Holy See.

395 Concerning the decree of union of the Prémontré monks.

495 Concerning the Order of Preachers; the religious house of Maria Dthal in Holland, under the rule of the Third Order, possesses the faculty of following the rule of the Second Order.

529 Concerning the normal school of Avignon: Doubts regarding the institution of the normal school.

625 Concerning a solution from Theatina: It is answered that it is not established that the Bishop must pay the sum indicated in the document.

8825 To the opposing party.

684 A doubt: Whether a healing at the root should be granted for a novice, if, perhaps, he is invalid due to a defect in baptism.

688 Concerning ordination in Taurinen: It is asked whether the pious Salesian Society should be granted the privilege of dismissing its ordinands, etc.

721 From the Sacred Congregation for Indulgences, concerning the Order of Minor Friars of Saint Francis: Concerning the indulgences attached to pious objects which have touched places in the Holy Land.

63 Concerning general absolutions, or blessings granted to regular sisters of the Third Order of Saint Francis, from Linciensis.

126 The decree of the City and the World, by which all indulgences of a thousand years or more are revoked.

127 A warning concerning certain indulgences which are asserted to be attached to rosaries.

379 The statutes of the pious Sodality under the title of the Reparation of the Nations of Catholics.

501 Concerning Montis Politiam: Doubts concerning indulgences granted by the Bishop.

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632 From the City and the World: A decree concerning apocryphal indulgences.

727 From the Sacred Congregation for the Regular Discipline: Letters from the Eminent Prefect concerning religious who wish to live outside the cloister.

536 A decree: By which the Master of the Order of Preachers is granted indulgence.

[*Latin ed. p. 767*]

SUMMARY OF ACTIONS: To expend a certain number of converts, so that they may be received within the enclosure when they have begun their eighteenth year. 537 Doubt: Whether a Bishop is obliged to receive secular Religious, and whether he may validly employ them in the sacred ministrations. 631 FROM THE HOLY PENITENTIARY APPOSTOLIC OFFICE: Doubt: It is doubted whether they ought to associate themselves with purchasers of pious goods who are merely laymen. 535 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: Doubt: It is inquired whether the Extreme Unction and ecclesiastical burial can be given to those addicted to secret societies, who are dying, "unless they give a sign of repentance." 319 Letters to the Ordinaries of Italy, not to promote to the sacred orders of the clergy foreigners without testimonial letters. 320 Letters from the Most Reverend Prefect to the Apostolic Pro-Administrator in Canea, concerning marriages which are contracted between Greek schismatics and Catholics. 698 Petition for the transition from the Ruthenian rite to the Latin rite. 699 767 FROM THE CONSISTORY ACTS: Consistory held with 10 members, on the 2nd of August, 1898. Regarding the habit. 267 On June 19, 1898. VICARIATE OF THE CITY: Statutes concerning the tribunals for receiving the confessions of women, whether in public temples or in the chambers of women. 248 FROM THE SACRED CONGREGATION OF THE INDEX: Decree by which several books are prohibited. 192 Doubt proposed concerning the Constitution of Offices and duties. 256 Decree declaring several books to be prohibited. 512 REGARDING EXTRAORDINARY BUSINESSES: From the Authentic Declaration. Concerning the validity of Apostolic Letters across the ocean, of April 18, 1897, in all the Antilles and other islands of the Caribbean Sea. 128 Indult concerning fasting and abstinence for Latin America. 756 From the Audience of the Most Holy. Decree by which the Archbishops of Latin America are granted the privilege of granting eighty days of Indulgences. 758

[*Latin ed. p. 768*]

IMPRIMATUR Fr. Albert Lepidi, O.P., Sac. Pal. Ap. Magister.

IMPRIMATUR Iosephus Geppetelli, Episcopus Tiberienus, Vicarius Generalis.

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